



Request for Proposal 06-X-37533

For: T- 0083 Gasoline, Automotive

Event	Date	Time
Bidder's Electronic Question Due Date (Refer to RFP Section 1.3.1 for more information.)	Nov. 11, 2005	5:00 PM
Mandatory Pre-bid Conference (Refer to RFP Section 1.3.3 for important details about the new electronic bid option.)	Nov. 16, 2005	10:00 AM
Bid Submission Due Date (Refer to RFP Section 1.3.5 for more information.)	Dec. 01, 2005	2:00 PM

Dates are subject to change. All changes will be reflected in Addenda to the RFP posted on the Division of Purchase and Property website.

Set-Aside Small Business (Refer to RFP Section 4.4.1.8 for more information.)	Status <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Entire Contract <input type="checkbox"/> Subcontracting Only	Category <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III
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RFP Issued By

State of New Jersey
Department of the Treasury
Division of Purchase and Property
Trenton, New Jersey 08625-0230

State of New Jersey
Cooperative Purchasing Members

Date: October 26, 2005

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1.0 INFORMATION FOR BIDDERS

1.1 PURPOSE AND INTENT

This Request for Proposal (RFP) is issued by the Purchase Bureau, Division of Purchase and Property, Department of the Treasury on behalf of State Using Agencies. The purpose of this RFP is to solicit bid proposals for unleaded automotive gasoline; Regular Unleaded 87 Octane, Mid-grade Unleaded 89 Octane and Premium Unleaded 93 Octane.

Significant changes from the previous RFP are described in Section 1.2.2 below.

The intent of this RFP is to award contracts to those responsible bidders whose bid proposals, conforming to this RFP are most advantageous to the State, price and other factors considered.

The NJ Standard Terms & Conditions located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml> will apply to all contracts or purchase agreements made with the State of New Jersey. These terms are in addition to the terms and conditions set forth in this RFP and should be read in conjunction with same unless the RFP specifically indicates otherwise.

The State intends to extend the contract[s] awarded to the Purchase Bureau's cooperative purchasing partners. These partners include quasi-state agencies, counties, municipalities, school districts, volunteer fire departments, first aid squads, independent institutions of higher learning, County colleges and State colleges.

Although the State, with the assent of the vendor(s), is making the use of any contract resulting from this RFP available to non-State Agencies, the State makes no representation as to the acceptability of any State RFP terms and conditions under the Local Public Contracts Law or any other enabling statute or regulation.

1.2 BACKGROUND

1.2.1 NOTICE OF AWARD FOR CURRENT CONTRACT

This is a reprocurement of the Gasoline, Automotive, Unleaded term contract, presently due to expire on **November 30, 2005**. Vendors who are interested in the current contract specifications and pricing information are encouraged to visit the Purchase Bureau's website on the world wide web. The applicable "T" reference number for this lookup is **#T-0083**. The exact WWW address is:

<http://www.state.nj.us/treasury/purchase/contracts.htm>

1.2.2 SIGNIFICANT CHANGES FROM PREVIOUS RFP

- When the Purchase Bureau started posting Requests for Proposals on the Internet there were changes in the format of the RFPs. This format change has also impacted the Scope of Work (SOW) for this RFP, which is now contained in Section 3 and various Appendices to the SOW, as opposed to being in multiple sections in the previous RFP.
- Due to severe fluctuations in the price of heating oil, and based upon requests for relief from vendors, it was determined that effective February 24, 2003, the price per gallon of gasoline would be determined by the daily Journal of Commerce - Oil Price Daily posting, i.e., the price for the day of delivery, Monday through Friday, would be the price as posted in that day's Journal of Commerce - Oil Price Daily, Low End. Bills are to be calculated on a daily basis, as posted in the Journal of Commerce. (See RFP Section 4.4)
- The term contract resulting from this RFP will be awarded for a period of three rather than five years (RFP Section 5.4 and 5.5). Again this is due to the volatility of the fuel market.

- It appears that 92 Octane gasoline is being phased out of production. Also, in reviewing the pricing history from 1999 to the present, it has been noted that the price for 93 octane gasoline is usually lower than that of 92 octane gasoline. Therefore, 92 Octane Gasoline will be removed from this contract.
- Fuel Dispensing and Spill Prevention Requirements were added to the current contract in Addendum #26. These have been incorporated into this RFP in Section 3.8 and Appendix 4.
- As a result of the merger of the Garden State Parkway and the New Jersey Turnpike, the New Jersey Turnpike Authority and the New Jersey Highway Authority are not currently using this term contract.
- The Purchase Bureau is phasing out the Fuel Phone Hotline as the various fuel contracts are rebid. Prices will continue to be posted on the Purchase Bureau's Internet Website. No one has responded to a notice posted on the Fuel Phone Hotline since early 2005 requesting any user who does not have access to the Internet and relies on the phone hotline to obtain fuel prices, to contact Purchase Bureau. Therefore effective with this contract the Gasoline Prices may be posted on the Internet only, not on the phone hotline.
- Although requested under past contracts, the requirement for submission of Contract Activity Reports was not enforced. Effective with this contract the Contractor(s) must provide a Contract Activity Report as per RFP Section 5.8, on a semi annual basis, to the Purchase Bureau buyer assigned, a record of all purchases made under their contract award resulting from this Request for Proposal. This includes purchases made by all State Using Agencies including the State and political sub-divisions and cooperative purchasing partners including quasi-state agencies, counties, municipalities, school districts, volunteer fire departments, first aid squads, independent institutions of higher learning, County colleges and State colleges. Failure to report this mandated information will be a factor in future award decisions.
- **Note:** Although there is no change to the RFP: Research has been done on various fuel indexes (JOC-OPD, OPIS, Platt's, etc.). To date Purchase Bureau has not found conclusive proof that another index would provide sufficient advantage to justify a change and therefore, is continuing use of the Journal of Commerce – Oil Price Daily for this procurement.

1.3 KEY EVENTS

1.3.1 ELECTRONIC QUESTION AND ANSWER PERIOD

It is the policy of the Purchase Bureau to accept questions and inquiries from all potential bidders electronically via web form. To submit a question, please go to the Quicklinks Q&A button on the Advertised Solicitation, Current Bid Opportunities webpage or to <http://ebid.nj.gov/QA.aspx>.

After the submission of bid proposals, unless requested by the State, contact with the State is limited to status inquiries only and such inquiries are only to be directed to the web form. Any further contact or information about the proposal to the buyer or any other State official connected with the solicitation will be considered an impermissible supplementation of the bidder's bid proposal.

1.3.1.1 QUESTION PROTOCOL

Questions should be addressed in writing via the procedure set forth above. Questions should be directed to the RFP by the writer and questions should be asked in consecutive order, from beginning to end, following the organization of the RFP. Each question should begin by referencing the RFP page number and section number to which it relates.

Answers to electronic questions will be posted to addenda on the Purchase Bureau website (see Section 1.4.1. of this RFP for further information). Bidders shall not contact the Using Agency directly, in person, by telephone or by email, concerning this RFP.

1.3.1.2 CUT-OFF DATE FOR QUESTIONS AND INQUIRIES

A **Mandatory** Pre-Bid Conference has been scheduled for this procurement. The cut-off date for submission of electronic questions will be **November 11, 2005** at 5 pm. While all questions will be entertained at the **Mandatory** Pre-Bid Conference, it is strongly urged that questions be submitted electronically as set forth above. It is requested that vendors having long, complex or multiple part questions submit them as far in advance of the **Mandatory** Pre-Bid Conference as possible. This request is made so that answers can be prepared by the State by the time of the **Mandatory** Pre-Bid Conference.

1.3.2 SITE VISIT – Not Applicable to this Procurement

1.3.3 MANDATORY PRE-BID CONFERENCE

The date, time and location of the Mandatory Pre-Bid Conference are as follows:

<u>DATE:</u>	November 16, 2005
<u>TIME:</u>	10:00 AM
<u>LOCATION:</u>	Department of the Treasury-Division of Purchase and Property 33 West State Street-9 th Floor Bid Room Trenton, NJ 08625-0230 Directions to the Purchase Bureau can be found on the following website: http://www.state.nj.us/treasury/purchase/directions.shtml

CAUTION: Bid proposals will be automatically rejected from any bidder that was not represented or failed to properly register at the Mandatory Pre-Bid Conference.

The purpose of the Mandatory Pre-Bid Conference is to provide a structured and formal opportunity for the State to accept questions from vendors regarding this RFP.

Any revisions to the RFP resulting from the Mandatory Pre-Bid Conference will be formalized by an addendum to this RFP. Answers to deferred questions will also be formalized by an addendum to this RFP. Addendum, if any, to this RFP will be posted to the Purchase Bureau website (see Section 1.4.1. of this RFP for further information).

1.3.4 OPTIONAL PREBID CONFERENCE – NOT APPLICABLE TO THIS PROCUREMENT

1.3.5 SUBMISSION OF BID PROPOSAL

In order to be considered for award, the bid proposal must be received by the Purchase Bureau of the Division of Purchase and Property at the appropriate location by the required time. You must submit a bid proposal in order to be considered for contract award. **ANY BID PROPOSAL NOT RECEIVED ON TIME AT THE RIGHT PLACE WILL BE REJECTED. THE DATE, TIME AND LOCATION ARE:**

DATE:	December 1, 2005
TIME:	2:00 PM
LOCATION:	<p>BID RECEIVING ROOM - 9TH FLOOR PURCHASE BUREAU DIVISION OF PURCHASE AND PROPERTY DEPARTMENT OF THE TREASURY 33 WEST STATE STREET, P.O. BOX 230 TRENTON, NJ 08625-0230</p> <p>Directions to the Purchase Bureau can be found on the following website: http://www.state.nj.us/treasury/purchase/directions.shtml </p>

1.3.6 DOCUMENT REVIEW

Not applicable to this procurement.

1.4 ADDITIONAL INFORMATION

1.4.1 REVISIONS TO THIS RFP

In the event that it becomes necessary to clarify or revise this RFP, such clarification or revision will be by addendum.

ALL RFP ADDENDA WILL BE ISSUED ON THE PURCHASE BUREAU WEB SITE. TO ACCESS ADDENDA THE BIDDER MUST SELECT THE BID NUMBER ON THE PURCHASE BUREAU BIDDING OPPORTUNITIES WEB PAGE AT THE FOLLOWING ADDRESS:

[HTTP://WWW.STATE.NJ.US/TREASURY/PURCHASE/BID/SUMMARY/BID.SHTML.](http://www.state.nj.us/treasury/purchase/bid/summary/bid.shtml)

There are no designated dates for release of addenda. Therefore interested bidders should check the Purchase Bureau "Bidding Opportunities" website on a daily basis from time of RFP issuance through bid opening.

It is the sole responsibility of the bidder to be knowledgeable of all addenda related to this procurement.

1.4.2 ADDENDUM AS A PART OF THIS RFP

Any addendum to this RFP shall become part of this RFP and part of any contract awarded as a result of this RFP.

1.4.3 ISSUING OFFICE

This RFP is issued by the Purchase Bureau, Division of Purchase and Property.

1.4.4 BIDDER RESPONSIBILITY

The bidder assumes sole responsibility for the complete effort required in submitting a bid proposal in response to this RFP. No special consideration will be given after bid proposals are opened because of a bidder's failure to be knowledgeable as to all of the requirements of this RFP. By submitting a bid proposal in response to this RFP, the bidder represents that it has satisfied itself, from its own investigation, as to all of the requirements of this RFP.

1.4.5 COST LIABILITY

The State assumes no responsibility and bears no liability for costs incurred by a bidder in the preparation and submittal of a bid proposal in response to this RFP.

1.4.6 CONTENTS OF BID PROPOSAL

Subsequent to bid opening, all information submitted by bidders in response to the bid solicitation is considered public information, except as may be exempted from public disclosure by the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law. A bidder may designate specific information as not subject to disclosure when the bidder has a good faith legal/factual basis for such assertion. The State reserves the right to make the determination and shall so advise the bidder. The location in the bid proposal of any such designation should be clearly stated in a cover letter. **The State will not honor attempts by bidders either to designate their entire bid proposal as proprietary and/or to claim copyright protection for their entire proposal.**

All bid proposals, with the exception of information determined by the State to be proprietary, are available for public inspection.

Interested parties can make an appointment with the Purchase Bureau to inspect bid proposals received in response to this RFP.

1.4.7 PRICE ALTERATION

Bid prices must be typed or written in ink. Any price change (including "white-outs") must be initialed. Failure to initial price changes shall preclude a contract award being made to the bidder.

1.4.8 JOINT VENTURE

If a joint venture is submitting a bid proposal, the agreement between the parties relating to such joint venture should be submitted with the joint venture's bid proposal. Authorized signatories from each party comprising the joint venture must sign the bid proposal. A separate Ownership Disclosure Form, Disclosure of Investigations and Actions Involving Bidder, Affirmative Action Employee Information Report, MacBride Principles Certification, and Business Registration or Interim Registration must be supplied for each party to a joint venture.

2.0 DEFINITIONS

2.1 GENERAL DEFINITIONS

The following definitions shall be part of any contract awarded or order placed as result of this RFP.

Addendum - Written clarification or revision to this RFP issued by the Purchase Bureau.

Amendment - A change in the scope of work to be performed by the contractor. An amendment is not effective until signed by the Director, Division of Purchase and Property.

Bidder – A vendor submitting a bid proposal in response to this RFP.

Contract - This RFP, any addendum to this RFP, the bidder's bid proposal submitted in response to this RFP and the Division's Notice of Acceptance.

Contractor - The contractor is the bidder awarded a contract.

Director - Director, Division of Purchase and Property, Department of the Treasury. By statutory authority, the Director is the chief contracting officer for the State of New Jersey.

Division - The Division of Purchase and Property.

Joint Venture - An agreement where two firms partner to respond to an RFP as a prime contractor, neither is a subcontractor of the other, and both agree to be responsible for performance.

May - Denotes that which is permissible, but not mandatory.

Request for Proposal (RFP) - This document, which establishes the bidding and contract requirements and solicits bid proposals to meet the purchase needs of [the] Using Agency[ies], as identified herein.

Shall or Must - Denotes that which is a mandatory requirement.

Should - Denotes that which is recommended, but not mandatory.

State - State of New Jersey

Using Agency[ies]- The entity[ies] for which the Division has issued this RFP.

2.2 CONTRACT SPECIFIC DEFINITIONS

Upcharge/Downcharge - An upcharge consists of all costs associated with the delivery of the fuel to the site, including but not limited to labor, profit, delivery charges, etc. to be added to the fuel prices as calculated according to the methodology described in this RFP. A downcharge is the same except it is subtracted from the fuel prices as calculated according to the methodology described in this RFP.

3.0 COMMODITY DESCRIPTION/SCOPE OF WORK

3.1 GENERAL

State locations requiring bulk deliveries of automotive unleaded gasoline (Regular Unleaded 87 Octane, Mid-grade Unleaded 89 Octane and/or Premium Unleaded 93 Octane) have been listed on the price sheets, grouped by county. One price for each type of gasoline may be given, by location, by county, or for the entire State. The Director reserves the right to award by location, county or for the entire State.

Significant changes from the previous RFP are described in Section 1.2.2

3.2 GASOLINE SPECIFICATIONS

All gasoline supplied under this contract must conform in every respect to all standards and regulations established by Federal and New Jersey State laws.

Gasoline supplied under this contract shall comply with the requirements of Federal Specifications for Gasoline, Automotive, Leaded or Unleaded, VV-G-1690B, July 1, 1978, Classes C, D, E, and any amendments thereto, (Appendix 1) to this RFP), ASTM D4814-91b, "Standard Specification for Automotive Spark-Ignition Engine Fuel," (Refer to Appendix 2 for information on obtaining) , New Jersey Department of Environmental Protection "Control & Prohibition of Air Pollution by Vehicular Fuel, NJAC Title 7, Chapter 27, (Appendix 3) to this RFP.

NOTE: These gasoline specifications and standards have previously been physically located within the Commodity Description/Scope of Work. It is still a requirement that all gasoline supplied under this contract shall comply with the requirements of the specifications and standards listed in the paragraph above, they are now appendices to this RFP in order to simplify the Commodity Description/Scope of Work contained in Section 3.0.

3.3 QUANTITIES

3.3.1 The Director reserves the right to order any quantity necessary to meet the State Using Agency's requirements. No guarantee is made by the Director to purchase any amount of product from any contractor as a result of prices offered by the bidder and approved by the State.

3.3.2 For bidding purposes, it is estimated that the total amount of contracts entered into a result of this proposal shall be approximately \$40,000,000.00 over the three year period of the contract, for New Jersey State Agencies.

3.3.3 The quantities listed on the pricing sheets are estimates based on previous usages for a one (1) year period. The State will not be bound to the quantities indicated. The RFP reflects all delivery and billing information at each location. Contractors are requested to contact the Procurement Specialist in writing in case of a discrepancy.

3.3.4 The State reserves the right to bid individual requirements separate from any contract(s) resulting from this RFP, if deemed to be in the best interest of the State.

3.3.5 Temporary Voluntary Allowances (TVA's) should not be included in bid prices as they cannot be considered in the evaluation of bids. However, if the bidder extends TVA's during the term of the contract to Federal, State, local Governments, or to commercial users in the normal course of doing business, New Jersey requires that any such TVA's be made available to the State in the maximum amount extended to others.

3.4 DELIVERY

3.4.1 ORDINARY DELIVERY

Unless otherwise indicated herein, all deliveries are to be made within forty-eight (48) hours following the receipt of an order or verbal notification by a Using Agency.

3.4.2 EMERGENCY DELIVERY

Unless otherwise indicated herein, all emergency deliveries are to be made within twenty-four (24) hours upon receipt of verbal notification from a Using Agency.

3.4.3 FOB DESTINATION

All deliveries will be FOB destination.

3.4.4 HOURS OF DELIVERY

Unless otherwise indicated herein, all deliveries will be accepted only between the hours of 8:00 AM and 3:30 PM, Monday through Friday, holidays excepted, unless otherwise agreed upon by the Using Agency and the contractor.

3.4.5 DELIVERY SCHEDULING / FUEL DISPENSING AND SPILL PREVENTION REQUIREMENTS

See Section 3.8.3 of this RFP for delivery scheduling requirements under the New Jersey Department of Environmental Protection fuel dispensing and spill prevention regulations.

3.4.6 DELIVERY SUBCONTRACTORS

In the event a bid is made for several locations and the bidder proposes to use subcontractors for the actual servicing, the names of the subcontractors required as part of the bid response, are to be submitted to the Director, for approval. The Director reserves the right to inspect their facilities in order to determine their ability to satisfactorily perform under delivery conditions set forth herein. The name, address, telephone number and FAX number will be submitted with the bid proposal, or within ten (10) days of the bid opening.

3.5 INSPECTION AND ACCEPTANCE OF DELIVERY

3.5.1 "INSPECTION AND TEST CERTIFICATION SEALS"

The bidder's current "Inspection and Test Certification Seals", on delivery measuring meters and compartments will be accepted in connection with Form 50 "Weights and Measures Certificate", previously obtained by the bidder from the New Jersey Weights and Measures Bureau.

3.5.2 MEASURING DEVICES CHECKS

3.5.2.1 The Director reserves the right to have all measuring devices rechecked, at any time during the life of the contract. Spot checks at delivery points may also be made.

3.5.2.2 If rechecks disclose any discrepancy in the number of gallons shown on the delivery ticket and the actual number of gallons delivered, use of such equipment will not be permitted until certification has been received from the New Jersey Weights and Measures Bureau that the measuring device is accurate, or has been corrected.

3.5.2.3 Upon notification to the Director, the Using Agency has the right to refuse delivery on metered trucks with broken seals. The contractor with the defective measuring device will be charged the added cost of obtaining fuel from an emergency source, until the defective metering device has received the necessary certification.

3.5.3 TEST SAMPLING

Using Agencies will take periodic samples of the gasoline delivered to their locations from the tank wagon or container in which delivery is made. The right is reserved to cancel the contract at the contractor's

expense for inferior deliveries, or if the gasoline is found to contain dirt or sediment, or is of a structure that will cause clogging and prevent proper operation. Cancellation of a contractor will only be implemented upon prior approval of the Director.

3.5.4 PRODUCT PERFORMANCE

If the product supplied is not giving satisfactory performance or requires an excessive amount of repair or maintenance to motor vehicles, the contractor will be notified in writing of the deficiency(ies). After such notice, the contractor must correct the deficiency(ies) within a reasonable time under the circumstances but, in no event, more than ten (10) days, at no cost to the Using Agency. Failure to respond or to respond inadequately may result in termination of the contract.

3.6 CRITERIA FOR QUALIFICATION

3.6.1 QUALIFICATION OF BIDDERS

No bid will be considered for a gasoline term contract unless the bidder meets the following conditions:

3.6.1.1 The bidder owns and has in operation, a permanently established bulk storage plant with stationary tanks, or complies with Section 3.6.1.3 of this RFP.

3.6.1.2 The bidder's source of supply is with a reputable gasoline refiner. Letters of guaranteed supply from the bidder's source must be submitted at the request of the Director but are not required to be submitted with the bid proposal.

3.6.1.3 Bidders who do not have a bulk storage plant with stationary tankage, must submit at the request of the Director, a letter from its source of supply, stating that it is committed for a certain number of gallons and that the source of supply will, in turn, guarantee that amount of supply to the bidder. Letters of guaranteed supply from the bidder's source are not required to be submitted with the bid proposal.

3.6.1.4 The bulk storage plant is located within a reasonable distance from the point to which deliveries are to be made by transport tank wagon. The decision of the Director shall be final as to whether or not the storage plant is sufficiently close enough to protect the interests of the State of New Jersey.

3.6.1.5 The Director reserves the right to request information, such as but not limited to, the following from any bidder/contractor. The bidder/ contractor must, if requested, show evidence to the Director, that it has adequate facilities, equipment, resources, etc. to perform all requirements of the contract.

3.6.1.5.1 Letters of guaranteed supply from the bidder's source.

3.6.1.5.2 Certified analysis of the gasoline offered, with such analysis to be done by an independent testing laboratory, or the refiner. The certified analysis is to be provided by the bidder at no cost to the State.

3.6.1.5.3 A certified list/statement of equipment (transport, tank wagons, barges, tank cars, barrels, etc.), if not already submitted with the bid proposal, that the bidder actually owns, for delivery of products from bulk plants to the Using Agency locations.

3.6.2 QUALIFICATION / REFINER, DISTRIBUTOR OR DEALER

3.6.2.1 The bidder must be an established refiner, distributor, or dealer, and must, if requested, show evidence to the Director, that it has adequate facilities and equipment to perform all requirements in the event of award.

3.6.2.2 Bidder must provide the following information on the Bidder Data Form Specific to Fuel Procurements.

Refinery (only primary refinery is acceptable)
Brand name of Unleaded Gasoline
Delivery Terminal
Line of Credit with Refiner (s)

In the event any of the foregoing information changes during the contract period, the contractor must inform the Purchase Bureau, in writing, within five (5) working days of the change.

3.6.2 EXAMINATION OF BIDDER/CONTRACTOR DOCUMENTS AND BUSINESS

The bidder/contractor will agree that the Director, or a designated representative, who is an employee of the State of New Jersey, shall have the right by appointment, to examine the books, records, documents and other data of the bidder/contractor business department, as may be necessary to verify the bidder/contractor warranties of established selling prices and notices of increase/decrease in prices in connection with the contract.

3.7 DATA CONTAINED IN THIS BID SOLICITATION

3.7.1 It is the bidder's responsibility to become familiar with all the locations for which a bid is submitted. The successful bidder(s) will be required to have the proper equipment and personnel to service the locations awarded in the resultant contract.

3.7.2 The data such as "Fuel Tank Size", "Contact Persons", "Addresses", "Telephone Numbers", contained in this bid proposal is based on information provided to the Purchase Bureau by New Jersey State Agencies. This information needs periodic updating and may not always be current. Using Agencies and vendors are both requested to thoroughly review the individual locations for accuracy and to report any corrections by e-mail to the Procurement Specialist for this contract.

3.7.3 Quantities listed on the pricing sheets are estimates based on previous usages for a one (1) year period. The State will not be bound to the quantities indicated.

3.7.4 Contractors will be required to service additional locations, which may be added to the contract during its term, within the areas of the State near those already being serviced by the contractor. The ADDED locations will adopt the prices and contractor that services an existing location in the same vicinity that has a similar tank size and annual consumption rate. Additions/Deletions/Revisions to the contract will be published in the form of Amendments to the Notice of Award.

NOTE TO STATE USING AGENCIES – Agencies are required to fax a completed Fuel Requirement Form to the Procurement Specialist to notify the Purchase Bureau when Additions/Deletions/Revisions to the contract are identified. (Appendix 5 is the latest version.)

3.8 DISPENSING OF FUEL AND SPILL PREVENTION REQUIREMENTS

3.8.1 GENERAL

DEP has adopted amendments to the New Jersey Pollutant Discharge Elimination System (NJPDES), N.J.A.C. 7:14A-24, requiring Using Agencies that meet specific criteria, to apply for NJPDES permits. The new amendment also requires Using Agencies to meet specific standards, measurable goals, and implementation schedules. Attachment D of the Highway Agency Stormwater General Permit, (Appendix 4 to this RFP), outlines the required practices for fueling operations, vehicle maintenance and good housekeeping SBRs (Statewide Basic Requirements) that a Using Agency must follow.

3.8.2 CONTRACTOR RESPONSIBILITIES

- There shall be no topping off vehicles, mobile fuel tanks, and storage tanks. Drip pans must be used under all hose and pike connections and other leak-prone areas during bulk transfer of fuels.
- During bulk transfer, storm sewer inlets must be blocked, or tanks must be contained with temporary berms or temporary absorbent booms during the transfer process. If temporary berms are being used instead of blocking the storm sewer inlets, all hose connection points associated with the transfer of fuel must be within the temporary berms during the loading/unloading of bulk fuels.
- As per DEP Regulations, any equipment, tanks, pumps, piping and fuel dispensing equipment found to be leaking or in disrepair must immediately be repaired or replaced.

3.8.3 DELIVERY SCHEDULING

Using Agencies that have a NJPDES permit on file must have a trained employee present to supervise during bulk transfer. The contractor must contact the key location representative one hour prior to each fuel/gasoline delivery or the delivery may not be permitted. If an emergency situation exists, the key location representative may instruct the contractor to deliver the fuel/gasoline without an agency employee present. Times and dates for regular and emergency deliveries will be scheduled in accordance with the original terms of the contract. Any additional specific agency instructions will be advised separately in a future Notice of Award Amendment.

4.0 PROPOSAL PREPARATION AND SUBMISSION

4.1 GENERAL

The bidder must follow instructions contained in this RFP and on the signatory page (<http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>) in preparing and submitting its bid proposal. The bidder is advised to thoroughly read and follow all instructions.

The signatory page of this RFP shall be signed by an authorized representative of the bidder. However, if the bidder is a limited partnership, the signatory page of this RFP must be signed by a general partner. If the bidder is a joint venture, the signatory page of this RFP must be signed by a principal of each party to the joint venture. Failure to comply will result in rejection of the bid proposal.

Pricing and information sheets must be completed in their entirety. Failure to comply with this requirement may result in rejection of the bid proposal.

No changes or white outs will be permitted on the specification sheets, unless each change is initialed and dated in ink by the bidder.

4.2 PROPOSAL DELIVERY AND IDENTIFICATION

In order to be considered, a bid proposal must arrive at the Purchase Bureau in accordance with the instructions on the RFP signatory page <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>. Bidders are cautioned to allow adequate delivery time to ensure timely delivery of bid proposals. State regulation mandates that late bid proposals are ineligible for consideration. **THE EXTERIOR OF ALL BID PROPOSAL PACKAGES MUST BE LABELED WITH THE BID IDENTIFICATION NUMBER, AND FINAL BID OPENING DATE.** (See RFP signatory page <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.)

4.3 NUMBER OF BID PROPOSAL COPIES

Each bidder must submit **one (1) complete ORIGINAL bid proposal**, clearly marked as the "ORIGINAL" bid proposal. Each bidder should submit **three (3) full, complete and exact copies** of the original. The copies requested are necessary in the evaluation of the bid proposal. Bidders failing to provide the requested number of copies will be charged the cost incurred by the State in producing the requested number of copies. It is suggested that the bidder make and retain a copy of its bid proposal.

If possible, the bidder is requested to submit one **(1) full, complete, and exact ELECTRONIC copy** of the original proposal **on compact disk (CD)**. The copy of the proposal on CD must in PDF file format to be viewable by State evaluators using Adobe Acrobat Reader software.

4.4 PROPOSAL CONTENT

The bid proposal should be submitted as follows:

- Forms (Section 4.4.1)

CONTENTS	RFP SECTION REFERENCE	DESCRIPTION
Forms	4.4.1.1	Signatory page, signed and completed. http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml
	4.4.1.2	Ownership Disclosure Form http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml
	4.4.1.3	Disclosure of Investigations and Actions Involving Bidder http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml
	4.4.1.4	MacBride Principles Certification http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml
	4.4.1.5	Affirmative Action Employee Information Report or New Jersey Affirmative Action Certificate http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml
	4.4.1.6	Business Registration from Division of Revenue NJ Standard Terms & Conditions: Section 1.1 http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml
	4.4.1.8	Notice of Intent to Subcontract Form and Subcontractor Utilization Plan http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml

4.4.1 FORMS

4.4.1.1 SIGNATORY PAGE

The bidder shall complete and submit the Signatory page provided on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

4.4.1.2 OWNERSHIP DISCLOSURE FORM

In the event the bidder is a corporation or partnership, the bidder must complete the attached Ownership Disclosure Form. A completed Ownership Disclosure Form must be received prior to or accompany the bid proposal. Failure to do so will preclude the award of a contract.

The Ownership Disclosure Form is located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

4.4.1.3 DISCLOSURE OF INVESTIGATIONS/ACTIONS INVOLVING BIDDER

The bidder shall provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five years including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, disposition. The bidder shall use the Disclosure of Investigations and Actions Involving Bidder form located on the Advertised Solicitation, Current Bid Opportunities webpage, <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

4.4.1.4 MACBRIDE PRINCIPLES CERTIFICATION

The bidder must complete the attached MacBride Principles Certification evidencing compliance with the MacBride Principles. Failure to do so may result in the award of the contract to another vendor.

The MacBride Principles Certification Form is located on the Advertised Solicitation, Current Bid Opportunities webpage, <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

4.4.1.5 AFFIRMATIVE ACTION

The bidder must complete the attached Affirmative Action Employee Information Report, or, in the alternative, supply either a New Jersey Affirmative Action Certificate or evidence that the bidder is

operating under a Federally approved or sanctioned affirmative action program. The requirement is a precondition to entering into a State contract.

The Affirmative Action Forms are located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

4.4.1.6 BUSINESS REGISTRATION CERTIFICATE FROM THE DIVISION OF REVENUE

FAILURE TO SUBMIT A COPY OF THE BIDDER'S BUSINESS REGISTRATION CERTIFICATE (OR INTERIM REGISTRATION) FROM THE DIVISION OF REVENUE WITH THE BID PROPOSAL MAY BE CAUSE FOR REJECTION OF THE BID PROPOSAL.

The bidder may go to www.nj.gov/njbgs to register with the Division of Revenue or to obtain a copy of an existing Business Registration Certificate.

Refer to Section 1.1. of the NJ Standard Terms and Conditions located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>, and Section 5.3 of this RFP for additional information concerning this requirement.

4.4.1.7 EXECUTIVE ORDER 134

Refer to Section 5.19 of this RFP for more details concerning this requirement.

4.4.1.8 SUBCONTRACTOR(S)

- A. **All bidders** must complete the **Notice of Intent to Subcontract Form** whether or not they intend to utilize subcontractors in connection with the work set forth in this RFP. If the bidder intends to utilize subcontractor(s), then the **Subcontractor Utilization Plan** must also be submitted with the bid.
- B. Should the bidder propose to utilize a subcontractor(s) to fulfill any of its obligations, the bidder shall be responsible for the subcontractor's(s): (a) performance; (b) compliance with all of the terms and conditions of the contract; and (c) compliance with the requirements of all applicable laws.
- C. The bidder must provide a detailed description of services to be provided by each subcontractor, referencing the applicable Section or Subsection of this RFP.
- D. The bidder should provide detailed resumes for each subcontractor's management, supervisory and other key personnel that demonstrate knowledge, ability and experience relevant to that part of the work which the subcontractor is designated to perform.
- E. The bidder should provide documented experience to demonstrate that each subcontractor has successfully performed work on contracts of a similar size and scope to the work that the subcontractor is designated to perform in the bidder's proposal.

4.4.2 SUBMITTALS

4.4.2.1 DISCLOSURE OF PRODUCT COMPOSITION

If requested by the State, the bidder must furnish material safety data sheets (MSDS) or manufacturers' equivalent information sheets on the products and/or chemicals used in performing the services specified in this RFP during the bid evaluation process. These sheets must list complete chemical ingredients including the percentage composition of each ingredient in the mixture down to 0.1%, and the chemical abstract services numbers for those substances listing any potentially hazardous products, which may produce gas during or following application. Failure to provide MSDS sheets when requested during the bid evaluation process will result in rejection of the bid for that particular product(s).

4.4.2.2 BIDDER DATA SHEETS

The bidder must provide all of the information requested in the Bidder's Data Packet located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

4.4.2.3 REFERENCE DATA SHEETS - SATISFACTORY CUSTOMER SERVICE

The bidder must provide all of the information requested in the Bidder's Data Packet located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

4.4.2.4 BIDDER DATA SPECIFIC TO FUEL PROCUREMENTS

The bidder must provide all of the information requested in the Bidder's Data Packet Specific to Fuel Contracts located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

4.4.2.5 FINANCIAL CAPABILITY OF THE BIDDER

Upon request, In order to provide the State with the ability to judge the bidder's financial capacity and capabilities to undertake and successfully complete the contract, the bidder must submit certified financial statements to include a balance sheet, income statement and statement of cash flow, and all applicable notes for the most recent calendar year or the bidder's most recent fiscal year. If certified financial statements are not available, the bidder must provide either a reviewed or compiled statement from an independent accountant setting forth the same information required for the certified financial statements, together with a certification from the Chief Executive Officer and the Chief Financial Officer, that the financial statements and other information included in the statements fairly present in all material respects the financial condition, results of operations and cash flows of the bidder as of, and for, the periods presented in the statements. In addition, the bidder should submit a bank reference.

A bidder may designate specific financial information as not subject to disclosure when the bidder has a good faith legal/factual basis for such assertion. Bidder may submit specific financial documents in a separate, sealed package clearly marked "Confidential-Financial Information" along with the Bid Proposal.

The State reserves the right to make the determination to accept the assertion and shall so advise the bidder.

4.4.3 PRICE SCHEDULE

The bidder must submit its pricing using the State supplied price sheet(s) attached to this RFP. Failure to submit all information required will result in the bid being considered non-responsive. Each bidder is required to hold its prices firm through issuance of contract.

The price the State will pay per delivered gallon of fuel is determined by adding/subtracting the upcharge/downcharge for that line item to the cost of the fuel based on the Journal of Commerce - Oil Price Daily posted for that type of fuel on the date of the delivery.

The State of New Jersey is exempt from the payment of any and all taxes imposed by the Federal Government, County, City and/or State of New Jersey, including gross receipts tax and superfund tax.

4.4.4 METHOD OF BIDDING OR PRICE SHEETING INSTRUCTION

The price the State will pay per delivered gallon of gasoline will be determined by adding/subtracting the constant upcharge/downcharge (Lines #00005 – end) bid for that line item (location) to the cost of the fuel/gasoline based on the Journal of Commerce - Oil Price Daily posting for the date of delivery of the fuel for that octane rating of gasoline (Line Items #00001, 00002, 00003 and 00004). A detailed description of how to determine the price is contained in RFP Section 4.4.4.5.

4.4.4.1 BID PRICES QUOTED (UPCHARGE/DOWNCHARGE)

The Price Sheets that are included with this RFP show information including the desired product for each location, tank size(s), estimated quantity, Deliver To:, and Bill To:, etc. Below is an example, to point out the method used for bidding.

An upcharge consists of all costs associated with the delivery of the fuel to the site, including but not limited to labor, profit, delivery charges, etc. to be added to the fuel prices as calculated according to the methodology described in this RFP.

A downcharge is the same except it is subtracted from the fuel prices as calculated according to the methodology described in this RFP.

The price quoted by bidders in their bid proposal for each of the line items (locations) is a constant upcharge/downcharge (per gallon) to be used for the entire contract period. These lines will be awarded to the responsive, responsible bidder, which would result in the lowest cost (i.e. - the highest downcharge or lowest upcharge) for each respective line (location).

4.4.4.2 SAMPLE LINE ITEM

LINE ITEM #00###

UPCHARGE/DOWNCHARGE BID

GASOLINE, REGULAR UNLEADED, 87 OCTANE
ATLANTIC COUNTY
TANK SIZE: 1 EA 10,000 & 1 EA 4,000 GAL
ESTIMATED QUANTITY PER YEAR: 125,000 GALLONS
ORGANIZATION NUMBER: 2052
DELIVER TO:
NJ DEPARTMENT OF THE TREASURY
HAMMONTON MOTOR POOL
253D NO. WHITE HORSE PIKE,
HAMMONTON, NJ 08037
CONTACT: JIM MCGANN
PHONE: (609) 757-2649
FAX: (609) 567-9075
BILL TO:
BUREAU OF TRANSPORTATION SERVICES
605 SOUTH BROAD STREET, P.O. BOX 233
TRENTON, NJ 08625-0233
CONTACT: ROBERT GOLD
PHONE: (609) 292-0558
FAX: (609) 633-0839

4.4.4.3 "JOURNAL OF COMMERCE - OIL PRICE DAILY POSTINGS" (COST OF GASOLINE)

Lines # 00001, 00002 and 00003 for the "Journal of Commerce - Oil Price Daily Postings " are included on the RFP/contract for the cost of the fuel (the octane rating of the gasoline) and will be awarded to each successful bidder delivering that specific type of fuel/octane rating of gasoline. Bidders are not to fill out these lines. These are for Agency use only.

The price the State will pay per delivered gallon for fuel/ gasoline will be determined by adding/subtracting the upcharge/downcharge for that line item to the cost of the fuel/gasoline based on the Journal of Commerce - Oil Price Daily posting for the date of delivery of the fuel/gasoline for that particular type of fuel or octane rating of gasoline.

The upcharges/downcharges (bid prices quoted) on the price sheets for the various locations are to be based on the Journal of Commerce-Oil Price Daily, using the "Newark Reseller Rack, Low End" posting listed for "Unleaded Regular" Gasoline. The posting of gasoline prices in the Journal of Commerce that will be used to determine the price per delivered gallon of gasoline is that for the "DATE OF PUBLICATION" for the date of the delivery.

Deliveries of gasoline made on weekends or holidays when the Journal of Commerce – Oil Price Daily is not published will be based on the last previously published price prior to the date of delivery.

Successful contractors are reminded that if they fail to resolve discrepancies in arriving at the price per gallon, the State formula will prevail, and Using Agencies will be instructed to correct invoices accordingly. Using Agencies must first call the contractor to resolve pricing discrepancies. Failing to reach an agreement with the contractor, the Using Agency WILL correct/amend the contractor's invoice, and make payments using the pricing formula indicated herein.

4.4.4.4 FUEL PRICE POSTING ON PURCHASE BUREAU'S INTERNET WEBSITE

All Journal of Commerce – Oil Price Daily fuel prices to be used for State of New Jersey Fuel Contracts are posted on Purchase Bureau's Internet Website at:

www.state.nj.us/treasury/purchase/fuel/index.html.

This website enables anyone with Internet capability to locate prices from 1999 to the present.

To avoid any confusion, vendors and Using Agencies are strongly encouraged to use the pricing posted on the Purchase Bureau's Internet Website, as this is the official source of the prices to be used for the purposes of all the State of New Jersey term contracts for the various types of fuel.

4.4.4.5. HOW TO DETERMINE THE PRICE PER DELIVERED GALLON OF GASOLINE

The price the State pays per delivered gallon of fuel is determined by adding/subtracting the upcharge/downcharge (bid price quoted) for that line item to the cost of the fuel (Journal of Commerce - Oil Price Daily Posting).

EXAMPLE: A facility in Atlantic County received a delivery of Regular Unleaded Gasoline on April 20, 2005. The Price per Gallon of Delivered Gasoline is determined as follows:

The contract vendor is ADCD Fuel Oil Company:

ABCD Fuel Upcharge Bid:	+ .0304/gal
April 20, 2005 Posting:	.4200/gal
Price per delivered gallon:	.4504/gal

4.4.4.6. PURCHASE ORDER EXAMPLE

The instructions contained herein, on how to arrive at the PRICE PER GALLON of Fuel/Gasoline, and the development of a Purchase Order is to be used only by all NJ STATE AGENCIES (Sub-political bodies, see below), but should also be used by all Contractors listed in the contract, when determining their price per gallon of fuel/gasoline.

The NJ Department of Transportation Facility located at Berlin, NJ (LINE #00084), is ordering 1,000 gallons of Regular Unleaded 87 Octane Gasoline on Month Date, 2005.

In order to prepare a Purchase Order (PB-2), the State Using Agency MUST use two (2) Contract Line Numbers, as follows -

1. The "CONSTANT UPCHARGE" (per gallon). Refer to the NOA Contract Line Number for the State Agency location which is ordering gasoline.

- 2 The "JOURNAL OF COMMERCE – OIL PRICE DAILY", "Newark Reseller Rack, Low End" posting listed for "87 Octane Unleaded Regular" (or for the appropriate octane rating) Gasoline.

Price lines for the Journal of Commerce- Oil Price Daily posting prices (Line # 0001, 0002, 0003 and 0004), are listed on the price sheets attached to this RFP. However, BIDDERS ARE NOT TO INDICATE ANY PRICES THEREON, since each of these line numbers will be awarded to all successful bidders, and are used only to determine the Journal of Commerce posting price (cost of gasoline) to which the constant upcharge will be added to or the constant downcharge will be subtracted.

LINE #00001 COMMODITY CODE: 405-19-027977
Journal of Commerce - Oil Price Daily - Daily Posting
Gasoline, Regular, Unleaded, 87 Octane
Newark Reseller Rack Price - Low End

LINE #00002 COMMODITY CODE: 405-19-027978
Journal of Commerce - Oil Price Daily - Daily Posting
Gasoline, Mid-Grade Unleaded, 89 Octane
Newark Reseller Rack Price - Low End

LINE #00003 COMMODITY CODE: 405-19-027980
Journal of Commerce - Oil Price Daily - Daily Posting
Gasoline, Premium Unleaded, 93 Octane
Newark Reseller Rack Price - Low End

The NJ State Agency then determines the following from the NOA and the Journal of Commerce:

1. The "CONSTANT UPCHARGE" (per gallon) in this example is +.10/Gal., taken from Contract Line #00084, of the NOA.
2. The "JOURNAL OF COMMERCE – OIL PRICE DAILY" posting for Month Date, 2005 Unleaded Regular Gasoline. "Newark Reseller Rack, Low End" posting taken from Contract Line #00001 is 1.5150/Gal. (simulated).

The NJ State Agency then adds this data into the OFST Screen in order to prepare the Purchase Order. The Header Section of the OFST Screen is entered in accordance with MACS-E Procedures, as follows:

ITEM 1 COMMODITY CODE: 405-19-031483 (Line #00084)

KLIN: 00084
U/M: GAL
QTY: 1000
PRICE: Leave blank (upon successful update, the "CONSTANT UPCHARGE" of .10/Gal (this EXAMPLE) will print.
CATLG#: Leave blank.
CAT \$: Leave blank.
DESC: Leave blank.

ITEM 2 COMMODITY CODE: 405-19-027977 (Line #00002)

KLIN: 00002
U/M: GAL
QTY: 1000
PRICE: Leave blank.
CATLG#: Enter "JOURNAL OF COMMERCE" Daily Posting April 20, 2005
CAT \$: Enter "JOURNAL OF COMMERCE" Daily Posting 1.5150/Gal. (Simulated price).
DESC: Leave blank.

EXAMPLE OF A PROPERLY COMPLETED PURCHASE ORDER

ITEM		QTY	UNIT	UNIT PRICE	AMOUNT
00001	COMMODITY CODE: 405-19-031483 Gas, Reg Unleaded 87 Octane Camden County *Tank Size: 1 each 8,000 gallon *Estimated Quantity: 8,000 gallons *Organization Number: 6000 *DELIVER TO: *NJ Department of Transportation *Berlin Township Maintenance Yard *Route 501, Walker Road, *Berlin, NJ 08009 *Contact: Foreman *Phone: (609) 767-7717 *BILL TO: *See Billing Information Page	1000	GAL	.10	\$100.00

NOTE: The above lines indicated with an asterisk(*), will not show on the Purchase Order. Only the first two lines will appear.

00002	COMMODITY CODE: 405-19-027977 Journal of Commerce – Oil Price Daily Gas, Regular Unleaded, 87 Octane Daily Posting Newark Reseller Rack Price - Low End CATLG # 04/20/05	1000	GAL	1.51500	\$1515.00
TOTAL.....					\$1650.00

SUB-POLITICAL BODIES and QUASI-STATE AGENCIES

These entities shall utilize the formula shown in arriving at the price per gallon of gasoline.

Located in Camden County, ordering gasoline on May 5, 2005.
Journal of Commerce - Oil Price Daily Posting for May 5, 2005,
Regular Unleaded 87 Octane Gasoline is used in this example,
and the Price per Gallon is listed as..... 1.5550
Constant Upcharge (See note below)10
TOTAL COST PER GALLON 1.6550

NOTE: Since there is no actual line number, use the closest line #number match based on location/tank size/estimated quantity, etc.

4.4.4.7. BILLING ADDRESS INFORMATION

For some lines the "Bill To:" may read *See Billing Information Page" as those agencies have multiple locations and use centralized billing.

The information for these situations is provided below:

Organization # BILLING ADDRESS/CONTACT

- 0000 NJ Water Supply Authority
P. O. Box 5196
Clinton, NJ 08809-5196
Contact: Accounts Payable – Robin Creg
Phone: (908) 638-6121 EXT 245
FAX: (908) 638-5961
- 0001 South Jersey Transportation Authority
P. O. Box 203,
Hammonton, NJ 08037
Contact: Kathy Monzo
Phone: (609) 561-6400
FAX: (609) 561-6106
- 0005 Sports and Exposition Authority
50 Route 120,
East Rutherford, NJ 07072
Contact:
Phone: (201) 480-4274
- 0006 New Jersey Meadowlands Commission
1 DeKorte Park Plaza,
Lyndhurst, NJ 07071
Contact: Accounts Payable
Phone: (201) 460-1700
Fax: 201-46--1722
- 1200 NJ Division of State Police
Purchasing Unit – Cindy Cuniglio
PO Box 7068, River Road, Bldg 17
West Trenton, NJ 08628-7068
Contact: Purchasing
Phone: (609) 882-2000 Ext 2401
FAX: (609) 530-9753
- 3600 NJ Department of Military & Veterans Affairs
ID-FMB-Facilities Management
P. O. Box 340.
101 Eggert Crossing Road,
Trenton, NJ 08625-0340
Contact: Purchasing – Nancy Ettinger
Phone: (609) 530-6904
FAX: (609) 530-7193
- 6000 NJ Department of Transportation
1035 Parkway Avenue,
PO Box 600
Trenton, NJ 08625-0600
Contact: Accounts Payable
Phone: (609) 530-2341
FAX: (609) 530-6556
- 9400 NJ Department of the Treasury
Property Management & Construction
P. O. Box 034
Trenton, NJ 08625-0034
Contact: Accounts Payable
Phone: (609) 984-9520

4.4.5 SPECIAL PRICING DUE TO UNSTABLE MARKET CONDITIONS

The State reserves the right to issue an amendment(s) to ensure that the State has an uninterrupted supply of gasoline during situations created by unstable or unpredictable market conditions.

5.0 SPECIAL CONTRACTUAL TERMS AND CONDITIONS

5.1 PRECEDENCE OF SPECIAL CONTRACTUAL TERMS AND CONDITIONS

The contract awarded as a result of this RFP shall consist of this RFP, addendum to this RFP, the contractor's bid proposal and the Division's Notice of Award.

Unless specifically stated within this RFP, the Special Contractual Terms and Conditions of the RFP take precedence over the NJ Standard Terms and Conditions located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

In the event of a conflict between the provisions of this RFP, including the Special Contractual Terms and Conditions and the NJ Standard Terms and Conditions, and any Addendum to this RFP, the Addendum shall govern.

In the event of a conflict between the provisions of this RFP, including any Addendum to this RFP, and the bidder's bid proposal, the RFP and/or the Addendum shall govern.

5.2 STATE CONTRACT MANAGER

Not applicable to this procurement.

NOTE TO STATE USING AGENCIES: Each Department/State Using Agency will be asked to identify a central contact person for Purchase Bureau to coordinate with for urgent issues pertaining to the overall management and administration of the contract. [For example --- to notify agencies of something such as Addendum #31 of the current contract in an expedient manner.]

5.3 BUSINESS REGISTRATION

The following shall supplement the Section 1.1, NJ Standard Terms and Conditions pertaining to Business Registration set forth in the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>.

"Affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. An entity controls another entity if it owns, directly or individually, more than 50% of the ownership in that entity.

"Business organization" means an individual, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof;

"Business registration" means a business registration certificate issued by the Department of the Treasury or such other form or verification that a contractor or subcontractor is registered with the Department of Treasury;

"Contractor" means a business organization that seeks to enter, or has entered into, a contract to provide goods or services with a contracting agency;

"Contracting agency" means the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, or any independent State authority, commission, instrumentality or agency, or any State college or university, any county college, or any local unit; with respect to this Contract, the contracting agency shall mean the Division;

"Subcontractor" means any business organization that is not a contractor that knowingly provides goods or performs services for a contractor or another subcontractor in the fulfillment of a contract.

A bidder shall submit a copy of its business registration at the time of submission of its bid proposal in response to this RFP.

A subcontractor shall provide a copy of its business registration to any contractor who shall forward it to the contracting agency. No contract with a subcontractor shall be entered into by any contractor unless the subcontractor first provides proof of valid business registrations.

The contractor shall provide written notice to all subcontractors that they are required to submit a copy of their business registration to the contractor. The contractor shall maintain a list of the names of any subcontractors and their current addresses, updated as necessary during the course of the contract performance. The contractor shall submit to the contracting agency a copy of the list of subcontractors, updated as necessary during the course of performance of the contract. The contractor shall submit a complete and accurate list of the subcontractors to the contracting agency before a request for final payment is made to the using agency.

The contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall, during the term of the contract, collect and remit to the Director of the Division of Taxation in the Department of the Treasury the use tax due pursuant to the "Sales and Use Tax Act, P.L. 1966, c. 30 (N.J.S.A. 54:32B-1 et seq.) on all their sales of tangible personal property delivered into the State.

This paragraph shall apply to all contracts awarded on and after September 1, 2004

5.4 CONTRACT TERM AND EXTENSION OPTION

The term of the contract shall be for a period of **three (3) years**. The anticipated "Contract Effective Date" is provided on the signatory page of this RFP

<http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>. If delays in the procurement process result in a change to the anticipated Contract Effective Date, the bidder agrees to accept a contract for the full term of the contract. The contract may be extended for all or part of **two (2)** one-year periods, by the mutual written consent of the contractor and the Director. **[INSERT, IF REQUIRED: Purchase orders may be placed against the contract up to and including the end of business on the last day of the contract, for delivery no more than 45 days after contract expiration.]**

5.5 CONTRACT TRANSITION

In the event that a new contract has not been awarded prior to the contract expiration date, as may be extended herein, it shall be incumbent upon the contractor to continue the contract under the same terms and conditions until a new contract can be completely operational. At no time shall this transition period extend more than **120** days beyond the expiration date of the contract.

5.6 AVAILABILITY OF FUNDS

The State's obligation to pay the contractor is contingent upon the availability of appropriated funds from which payment for contract purposes is made. No legal liability on the part of the State for payment of any money shall arise unless funds are made available each fiscal year to the Using Agency by the Legislature.

5.7 CONTRACT AMENDMENT

Any changes or modifications to the terms of the contract shall only be valid when they have been reduced to writing and signed by the contractor and the Director.

5.8 CONTRACT ACTIVITY REPORT

In conjunction with the standard record keeping requirements of this contract, as required by in paragraph 3.19 of the NJ Standard Terms and Conditions, located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>, contractor(s) must provide, on a semi annual basis, to the Purchase Bureau buyer assigned, a record of all purchases

made under their contract award resulting for this Request for Proposal. This includes purchases made by all using agencies including the State and political sub-divisions thereof. This reporting requirement includes sales to State using agencies and, if permitted under the terms of the contract, sales to counties, municipalities, school districts, volunteer fire departments, first aid squads and rescue squads, and independent institutions of higher education. The requirement also includes sales to State and County Colleges and Quasi-State Agencies. Quasi-State Agencies include any agency, commission, board, authority or other such governmental entity which is established and is allocated to a State department or any bi-state governmental entity of which the State of New Jersey is a member.

This information must be provided in a tabular format such that an analysis can be made to determine the following:

- Contractor's total sales volume to each purchaser under the contract, subtotaled by product, including, if applicable, catalog number and description, price list with appropriate page reference and/or contract discount applied

Submission of purchase orders, confirmations, and/or invoices do not fulfill this contract requirement for information.

Contractors are strongly encouraged to submit the required information in electronic spreadsheet format. The Purchase Bureau uses Microsoft Excel.

Failure to report this mandated information will be a factor in future award decisions.

5.9 PROCEDURAL REQUIREMENTS AND AMENDMENTS

5.9.1 The contractor shall comply with procedural instructions that may be issued from time to time by the Director.

5.9.2 During the period of the contract, no contractual changes are permitted, unless approved in writing by the Director.

5.9.3 The State reserves the right to separately procure individual requirements that are the subject of the contract during the contract term, when deemed by the Director to be in the State's best interest.

5.10 ITEMS ORDERED AND DELIVERED

The **Using Agency[ies] is[are]** authorized to order and **the contractor/contractors is/are** authorized to ship only those items covered by the contracts resulting from this RFP. If a review of orders placed by the Using Agency [Agencies] reveals [reveal] that material other than that covered by the contract has been ordered and delivered, such delivery shall be a violation of the terms of the contract and may be considered by the Director in the termination of the contract or in the award of any subsequent contract. The Director may take such steps as are necessary to have the items returned by the Agency, regardless of the time between the date of delivery and discovery of the violation. In such event, the contractor shall reimburse the State the full purchase price.

The contract involves items which are necessary for the continuation of ongoing critical State services. Any delay in delivery of these items would disrupt State services and would force the State to immediately seek alternative sources of supply on an emergency basis. Timely delivery is critical to meeting the State's ongoing needs.

5.11 DISCLOSURE OF PRODUCT COMPOSITION

If requested by the State during the term of the contract, the contractor must furnish MSDS or manufacturer's equivalent information sheets on the products and/or chemicals used in performing the services specified in the contract to the Using Agency. These sheets must list complete chemical ingredients including the percentage composition of each ingredient in the mixture down to 0.1%, and the

chemical abstract services numbers for those substances listing any potentially hazardous products, which may produce gas during or following application.

5.12 REMEDIES FOR NON-PERFORMANCE

In the event that the contractor fails to comply with any material contract requirements, the Director may take steps to terminate the contract in accordance with the State administrative code. In this event, the Director may authorize the delivery of contract items by any available means, with the difference between the price paid and the defaulting contractor's price either being deducted from any monies due the defaulting contractor or being an obligation owed the State by the defaulting contractor.

5.13 MANUFACTURING/PACKAGING REQUIREMENTS

5.13.1 All products must conform in every respect to the standards and regulations established by Federal and New Jersey State laws.

5.13.2 All products shall be manufactured and packaged under modern sanitary conditions in accordance with good commercial practice.

5.13.3 All products are to be packaged in sizes as specified in this RFP and shall be packaged in such a manner as to insure delivery in first class condition and properly marked for identification. All shipments must be comprised of original cartons associated with the commercial industry represented by the actual product contained within each carton. Deliveries containing re-used, re-labeled, re-worked or alternate cartons are subject to rejection by the Using Agency at the contractor's expense.

5.14 PERFORMANCE BOND

This section supplements Section 3.3b of the NJ Standard Terms and Conditions located on the Advertised Solicitation, Current Bid Opportunities webpage
<http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>

A performance bond of \$50,000.00 is required. The State reserves the right to adjust the amount of the performance bond based on the number of lines/ estimated dollar amount of the award(s). The performance bond must be posted within 30 days of the effective date of the contract award. The performance bond must remain in full force and effect for the term of the contract and any extension thereof.

5.15 CLAIMS

All claims asserted against the State by the contractor shall be subject to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1.1, et seq., and/or the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq.

5.16 CONTRACTOR RESPONSIBILITIES

The contractor shall have sole responsibility for the complete effort specified in the contract. Payment will be made only to the contractor. The contractor shall have sole responsibility for all payments due any subcontractor.

The contractor is responsible for the professional quality, technical accuracy and timely completion and submission of all deliverables, services or commodities required to be provided under the contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in its deliverables and other services. The approval of deliverables furnished under this contract shall not in any way relieve the contractor of responsibility for the technical adequacy of its work. The review, approval, acceptance or payment for any of the services shall not be construed as a waiver of any rights that the State may have arising out of the contractor's performance of this contract.

5.17 SUBSTITUTION OR ADDITION OF SUBCONTRACTOR(S)

This Subsection serves to supplement but not to supersede Section 3.11 of the NJ Standard Terms and Conditions of this RFP.

If it becomes necessary for the contractor to substitute a subcontractor, add a subcontractor or substitute its own staff for a subcontractor, the contractor will identify the proposed new subcontractor or staff member(s) and the work to be performed. The contractor must provide detailed justification documenting the necessity for the substitution or addition.

The contractor must provide detailed resumes of its proposed replacement staff or of the proposed subcontractor's management, supervisory and other key personnel that demonstrate knowledge, ability and experience relevant to that part of the work which the subcontractor is to undertake.

The qualifications and experience of the replacement(s) must equal or exceed those of similar personnel proposed by the contractor in its bid proposal.

The contractor shall forward a written request to substitute or add a subcontractor or to substitute its own staff for a subcontractor to the State Contract Manager for consideration. If the State Contract Manager approves the request, the State Contract Manager will forward the request to the Director for final approval.

No substituted or additional subcontractors are authorized to begin work until the contractor has received written approval from the Director.

5.18 FORM OF COMPENSATION AND PAYMENT

This Section supplements Section 4.5 of the New Jersey Standard Terms and Conditions located on the Advertised Solicitation, Current Bid Opportunities webpage <http://www.state.nj.us/treasury/purchase/bid/summary/37533.shtml>. The contractor must submit official State invoice forms to the Using Agency with supporting documentation evidencing that work for which payment is sought has been satisfactorily completed. Invoices must reference the tasks or subtasks detailed in the Scope of Work section of the RFP and must be in strict accordance with the firm, fixed prices submitted for each task or subtask on the RFP pricing sheets. When applicable, invoices should reference the appropriate RFP price sheet line number from the contractor's bid proposal. All invoices must be approved by the State Contract Manager before payment will be authorized.

In addition, primary contractors must provide, on a monthly and cumulative basis, a breakdown in accordance with the budget submitted, of all monies paid to any small business subcontractor(s). This breakdown shall be sent to the Purchase Bureau Business Unit, Set-Aside Coordinator.

Invoices must also be submitted for any special projects, additional work or other items properly authorized and satisfactorily completed under the contract. Invoices shall be submitted according to the payment schedule agreed upon when the work was authorized and approved. Payment can only be made for work when it has received all required written approvals and has been satisfactorily completed.

5.18.1 PAYMENT TO CONTRACTOR - OPTIONAL METHOD

The State of New Jersey now offers State contractors the opportunity to be paid through the MasterCard procurement card (p-card). A contractor's acceptance and a State agency's use of the p-card, however, is optional.

P-card transactions do not require the submission of either a contractor invoice or a State payment voucher. Purchasing transactions using the p-card will usually result in payment to a contractor in three days.

A contractor should take note that there will be a transaction-processing fee for each p-card transaction. To participate, a contractor must be capable of accepting the MasterCard. Additional information can be obtained from banks or merchant service companies.

5.19 REQUIREMENTS OF EXECUTIVE ORDER 134

In order to safeguard the integrity of State government procurement by imposing restrictions to insulate the award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof, Executive Order 134 was signed on September 22, 2004 ("EO 134"). Pursuant to the requirements of EO 134, the terms and conditions set forth in this section are material terms of any contract resulting from this RFP:

5.19.1 DEFINITIONS

For the purpose of this section, the following shall be defined as follows:

a) Contribution – means a contribution reportable as a recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act." P.L. 1973, c. 83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-7 and N.J.A.C. 19:25-10.1 et seq. Through December 31, 2004, contributions in excess of \$400 during a reporting period were deemed "reportable" under these laws. As of January 1, 2005, that threshold was reduced to contributions in excess of \$300.

b) Business Entity – means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (i)all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii)any subsidiaries directly or indirectly controlled by the business entity; (iii)any political organization organized under 26 U.S.C.A. 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv)if a business entity is a natural person, that person's spouse or child, residing in the same household.

5.19.2 BREACH OF TERMS OF EXECUTIVE ORDER 134

It shall be a breach of the terms of the contract for the Business Entity to (i)make or solicit a contribution in violation of this Order, (ii)knowingly conceal or misrepresent a contribution given or received; (iii)make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv)make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate or holder of the public office of Governor, or to any State or county party committee; (v)engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of EO 134; (vi)fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii)engage in any exchange of contributions to circumvent the intent of EO 134; or (viii)directly or indirectly through or by any other person or means, do any act which would subject that entity to the restrictions of EO 134.

5.19.3 CERTIFICATION AND DISCLOSURE REQUIREMENTS

a) The State shall not enter into a contract to procure from any Business Entity services or any material, supplies or equipment, or to acquire, sell or lease any land or building, where the value of the transaction exceeds \$17,500, if that Business Entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor, or to any State or county political party committee during certain specified time periods

b) Prior to awarding any contract or agreement to any Business Entity, the Business Entity proposed as the intended awardee of the contract shall submit the Certification and Disclosure form, certifying that no contributions prohibited by Executive Order 134 have been made by the Business Entity and reporting all contributions the Business Entity made during the preceding four years to any political organization organized under 26 U.S.C.527 of the Internal Revenue Code that also meets the definition of a "continuing

political committee" within the mean of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. The required form and instructions, available for review on the Purchase Bureau website at <http://www.state.nj.us/treasury/purchase/forms.htm#eo134> , shall be provided to the intended awardee for completion and submission to the Purchase Bureau with the Notice of Intent to Award. Upon receipt of a Notice of Intent to Award a Contract, the intended awardee shall submit to the Division, in care of the Purchase Bureau Buyer, the Certification and Disclosure(s) within five (5) business days of the State's request. Failure to submit the required forms will preclude award of a contract under this RFP, as well as future contract opportunities.

c) Further, the Contractor is required, on a continuing basis, to report any contributions it makes during the term of the contract, and any extension(s) thereof, at the time any such contribution is made. The required form and instructions, available for review on the Purchase Bureau website at <http://www.state.nj.us/treasury/purchase/forms.htm#eo134> , shall be provided to the intended awardee with the Notice of Intent to Award.

5.19.4 STATE TREASURER REVIEW

The State Treasurer or his designee shall review the Disclosures submitted pursuant to this section, as well as any other pertinent information concerning the contributions or reports thereof by the intended awardee, prior to award, or during the term of the contract, by the contractor. If the State Treasurer determines that any contribution or action by the contractor constitutes a breach of contract that poses a conflict of interest in the awarding of the contract under this solicitation, the State Treasurer shall disqualify the Business Entity from award of such contract.

6.0 PROPOSAL EVALUATION/CONTRACT AWARD

6.1 CONTRACT EVALUATION

For a product bid that has been determined to be in compliance with this RFP, the contract shall be awarded on the basis of the following criteria, not necessarily listed in the order of importance:

6.1.1 Price

6.1.2 Experience of the bidder

6.1.3 The bidder's past performance under similar contracts, including if applicable, the Division's vendor performance database.

6.1.4 The sales and service coverage on a State-wide basis, by the bidder, to be awarded in the best interest of the State.

6.1.5 Delivery schedule offered by the bidder.

6.2 ORAL PRESENTATION AND/OR CLARIFICATION OF BID PROPOSAL

After the submission of bid proposals, unless requested by the State, contact with the State is limited to status inquiries only and such inquiries are only to be directed to the buyer. Any further contact or information about the proposal to the buyer or any other State official connected with the solicitation will be considered an impermissible supplementation of the bidder's bid proposal.

A bidder may be required to give an oral presentation to the Evaluation Committee concerning its bid proposal. The Evaluation Committee may also require a bidder to submit written responses to questions regarding its bid proposal.

The purpose of such communication with a bidder, either through an oral presentation or a letter of clarification, is to provide an opportunity for the bidder to clarify or elaborate on its bid proposal. Original bid proposals submitted, however, cannot be supplemented, changed, or corrected in any way. No comments regarding other bid proposals are permitted. Bidders may not attend presentations made by their competitors.

It is within the Evaluation Committee's discretion whether to require a bidder to give an oral presentation or require a bidder to submit written responses to questions regarding its bid proposal. Action by the Evaluation Committee in this regard should not be construed to imply acceptance or rejection of a bid proposal. The Purchase Bureau buyer will be the sole point of contact regarding any request for an oral presentation or clarification.

6.3 BID DISCREPANCIES

In evaluating bids:

- Discrepancies between words and figures will be resolved in favor of words.
- Discrepancies between unit prices and totals of unit prices will be resolved in favor of unit prices.
- Discrepancies in the multiplication of units of work and unit prices will be resolved in favor of the unit prices.
- Discrepancies between the indicated total of multiplied unit prices and units of work and the actual total will be resolved in favor of the actual total.
- Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the corrected sum of the column of figures.

6.4 NEGOTIATION AND BEST AND FINAL OFFER (BAFO)

Following the opening of bid proposals, the State reserves the right, pursuant to N.J.S.A. 52:34-12(f), to negotiate: the technical services offered, the terms and conditions and/or the price of a proposed contract award with any bidder. In addition, the State reserves the right to seek a Best and Final Offer (BAFO) from one or more bidders. In response to the State's request to negotiate, bidders must continue to satisfy all mandatory RFP requirements but may improve upon their original technical proposal in any revised technical proposal. However, any revised technical proposal that does not continue to satisfy all mandatory requirements will be rejected as non-responsive and the original technical proposal will be used for any further evaluation purposes, in accordance with the following procedure.

The Evaluation Committee will conduct an initial review and determine whether and with which bidder(s) it will negotiate, and will communicate its request to each such bidder. In response, the bidder will submit any required revisions to its proposal.

In response to the State's request for a BAFO, bidders may submit a revised price proposal that is equal to or lower in price than their original submission, but must continue to satisfy all mandatory requirements. Any revised price proposal that is higher in price than the original will be rejected as non-responsive and the original bid will be used for any further evaluation purposes.

After receipt of the results of the negotiation and/or the BAFO(s), the Evaluation Committee will complete its evaluation and recommend to the Director for award that responsible bidder(s) whose bid proposal, confirming to this RFP, is most advantageous to the State, price and other factors considered.

All contacts, records of initial evaluations, any correspondence with bidders related to any request for negotiation or BAFO, any revised technical and/or price proposals, the Evaluation Committee Report and the Award Recommendation, will remain confidential until a Notice of Intent to Award a contract is issued.

6.5 CONTRACT AWARD

Contract award[s] shall be made with reasonable promptness by written notice to that responsible bidder(s), whose bid proposal(s), conforming to this RFP, is(are) most advantageous to the State, price, and other factors considered. Any or all bid proposals may be rejected when the State Treasurer or the Director determines that it is in the public interest so to do.

The Director reserves the right to award contract(s) by individual location, county or for the entire State.

7.0 APPENDICES TO THE SCOPE OF WORK (SOW)

APPENDIX 1

FEDERAL SPECIFICATIONS

GASOLINE, AUTOMOTIVE, LEADED OR UNLEADED

VV-G-1690b, July 1, 1978, superseding Int. Fed. Spec. VV-G-001690a (Army-MR) April 15, 1974 and VV-G-76b, March 20, 1970

1. Scope and Classification

1.1 Scope: This specification covers commercial leaded or unleaded gasoline in automotive spark-ignition engines under climatic conditions (see 6.1).

1.2 Classification:

1.2.1 Grades: The automotive gasolines shall be of three grades, as follows. the major differences between these grade are in the anti-knock content and quality.

Grade	Anti-Knock Content	ASTM Anti-Knock Index
Spec	See Table II	See Table III
Reg	See Table II	See Table III
Prem	See Table II	See Table III

1.2.2 Classes: Each grade is divided into five (5) volatility classes, as follows, to provide for local and seasonal climatic conditions (see 3.5 and Tables I and IV).

Class	Condition of use: ambient temperature
A	Extreme
B	Hot
*C	Warm
*D	Mild
*E	Cold

2. Applicable Documents

2.1 The following documents of the issue in effect on date of invitation for bids or request for proposal, form a part of this specification to the extent specified herein:

Federal Standards:

Federal Test Method Standard No. 791 - Lubricants, Liquid Fuels and Related Products; Methods of Testing.
(Activities outside the Federal Government may obtain copies of Federal specifications, standards and Handbooks, as outlined under general information in the Index of Federal Specifications and Standards at prices indicated in the Index. The Index, which includes cumulative monthly supplements as issued, is for sale on a subscription basis by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402).

(Single copies of this specification and other specifica-

tions required by activities outside the Federal Government for bid purposes are available at the General Services Administration Regional Offices in Boston, Philadelphia, New York, Washington DC, Atlanta, Chicago, Kansas City, Houston, Fort Worth, Denver, San Francisco, Seattle and Los Angeles)

(Federal Government activities may obtain copies of Federal Specifications, Standards and Handbooks, and the Index of Federal Specifications, from established distribution points in their agencies).

Military Standards:

MIL-STD-105 - Sampling Procedures and Tables From Inspection by Attributes.

MIL-STD-290 - Packaging, Packing, and Marking of Petroleum and Related Products.

(Copies of military specifications and standards required by contractors in connection with specific procurement functions should be obtained from the procuring activity or as directed by the contracting officer).

2.2 Other Publications: The following documents form a part of this specification to the extent specified herein. Unless otherwise indicated, the issue in effect on the date of invitation for bid or request for proposal shall apply.

U.S. Environmental Protection Agency Publication

EPA MSAPC Advisory Circular A/C No. 26-b

(EPA Publications may be obtained from the U. S. Environmental Protection Agency, 401 M street SW, Washington, DC 20460)

American Society for Testing and Materials ASTM Standards:

(See ASTM Standard D4814-91b, enclosed herewith)

(The test methods listed above are included in Part 23, 24, or 25 of the Book of ASTM Standards or in the ASTM Manual for Rating Fuels by Motor and Research Methods. The methods can also be purchased separately. Application for copies should be addressed to the American Society for Testing Materials, 1916 Race Street, Philadelphia, PA 19103).

(Publications of technical societies are generally available for reference from libraries. They are also distributed among Federal agencies).

3. REQUIREMENTS:

3.1 Materials:

The gasolines shall be volatile hydrocarbon fuels.

3.2 Legal Requirement: Gasolines furnished under this specification must meet all applicable requirements.

3.3 Additives: The leaded gasolines may contain antiknock compounds, anti-oxidants, metal deactivators, corrosion inhibitors, dyes and deposit modifiers. However, lead anti-knock com-

pounds and phosphorous-containing deposit modifiers are not permitted in unleaded gasolines.

3.3.1 Anti-Knock Compounds: The lead, manganese, or other anti-knock compound present in the finished gasoline shall not exceed the limits specified in Table II. The anti-knock compounds or mixtures shall contain appropriate quantities of scavenger compounds as required in blending automotive gasolines.

3.3.2 Other Additives: Additives other than those specified above, such as detergents, dispersants, solvent oils, etc. will be permitted in procurement of gas provided prior examinations have verified the absence of their potential deleterious effects. Permission for their use must be obtained from the U.S. Army Mobility Equipment Research and Development Command, ATTN: DRDMEGL, Fort Belvoir, VA 22060. This request shall be accompanied by a report showing the chemical properties of the additive, laboratory engine performance test and controlled fleet test using fuels containing the maximum recommended concentration of the additive. Such additives must be compatible with any of the materials included in this specification and must not appreciably effect the specified chemical/physical properties.

3.4 Physical and Chemical Requirements: The physical and chemical requirements of the gasoline shall be as specified in Tables I, II and III.

TABLE I - VOLATILITY CLASSES

Characteristic	Requirement 1/				
	Class A	Class B	Class C	Class D	Class E
Distillation					
10% evap. c max	70	65	60	55	50
50% evap. c min	77	77	77	77	77
50% evap. c max	121	118	116	113	110
90% evap. c max	190	190	185	185	185
End pt c max 2/	225	225	225	225	225
Reid vap pressure					
KPA 3/	62.1	69.0	79.3	93.1	103.4
Temp c in					
at v/L ratio=20 4/	60	56	51	47	41

1/ Values given pertain to product at point of acceptance.

2/ End point includes additive residue if present.

3/ RVP values are given for each gasoline class but they are not limiting. The limiting criteria for controlling over hot fuel handling (vapor lock, etc) is the temperature at which the v/L = 20. If a given maximum RVP gasoline must be supplied in an area to meet state/local law, all of the volatility specifications which apply to the class of gasoline corresponding to that RVP are deemed to apply.

4/ At 760mm. hg. pressure (101.3kpa).

TABLE II - CHEMICAL REQUIREMENTS

Property	Value
Unwashed gum, mg/100 ml, maximum	10 1/
Existent gum, mg/100 ml, maximum	5
Sulfur, % wt, maximum	
Leaded gasoline	0.15

Unleaded gasoline	0.10
Corrosiveness to copper @ 50 deg c, maximum	1
Anti-knock content:	
Lead, g/l (g/gal) maximum	
Lead	1.12 (4.23)
Unleaded	0.013 (0.05)
Manganese, g/l (g/gal)	
Lead	0.0165 (0.0625)
Unleaded	0.0165 (0.0625)
Oxidation stability, minutes, maximum	240
Water and sediment, % vol, maximum	0.01
Aromatics, % vol, maximum	55 2/
Benzene, % vol	report
Phosphorous, g/l (g/gal), maximum	0.0013 (0.005) 3/1

- 1/ Where the unwashed gum exceeds 10 mg, the supplier shall be responsible for identifying the material(s) contributing to this value prior to the product approval. When those materials (contributing to unwashed values in exceed of 10 mg) originate primarily from gasoline components, the product shall be considered as suspect and therefore unsatisfactory until additional bench tests have been conducted.
- 2/ This maximum value shall be applicable to the special & regular unleaded grades only, with no limitation for the premium grade.
- 3/ This requirement shall be applicable to the unleaded grades of gasoline.

TABLE III - ANTI-KNOCK QUALITY REQUIREMENTS 1/

Gasoline grade: State group	Anti-knock index (r+m) min 2/
Special grade	
#1 (plus Alaska & Hawaii)	87
#2	86.3
#3	85.5
#4	84.8
#5	84.0
#6	82.5
Regular grade:	
#1 (plus Alaska & Hawaii)	89
#2	88.5
#3	87.5
#4	87.5
#5	87.0
#6	86.0
Premium grade:	
#1 (plus Alaska & Hawaii)	93
#2	92.5
#3	91.5
#4	91.5
#5	91.0
#6	90.0

- 1/ See Figure 1 (omitted)
- 2/ Minimum motor octane must be 82.

3.5 Volatility: The volatility classes of gasoline as defined in Table I shall be supplied according to the requirements

of Table IV. When alternate classes are permitted, the contractors may provide either class, adjustments in altitude and climatic conditions have been considered in preparing this distribution schedule to minimize operational problems arising from hot fuel handling and/or cold starting. The limiting guide temperatures, minimum tenth percentile and maximum ninetieth percentile, utilized for determining the volatility class distribution are shown below:

Class	Daily Low Temperature	Daily High Temperature
A	greater than 16 deg c	greater than 43 deg c
B	greater than 10 deg c	less than 43 deg c
C	greater than 4 deg c	less than 36 deg c
D	greater than -7 deg c	less than 29 deg c
E	less than -7 deg c	less than 21 deg c

3.5.1 Overseas Procurement: Unless otherwise specified in the contract or purchase order (see 6.2), gasoline procured overseas shall conform to the requirements of this specification at the time of delivery.

3.6 Workmanship: The finished gasolines shall be visually free from undissolved water, sediment and suspended matter and shall be clear and bright at the ambient temperature or 21 deg c whichever is higher.

TABLE IV - GEOGRAPHICAL AND SEASONAL DISTRIBUTION OF CLASSES
(See Table 2, ASTM Standard D4814-91b, enclosed herewith)

4. QUALITY ASSURANCE PROVISIONS:

4.1 Responsibility for inspection unless otherwise specified in the contract or purchase order, the contractor is responsible for the performance of all inspection requirements as specified herein. Except as otherwise specified in the contract or order, the contractor may use his/her own, or any other facilities suitable for the performance of inspection requirements specified herein.

4.2 Lot:

4.2.1 Bulk Lot: An indefinite quantity of a homogenous blend of gasoline of one grade, one class, and one lead level (leaded or unleaded), offered for acceptance in a single, isolated container; or manufactured in a single plant run (not exceeding 24 hrs) through the same processing equipment, with no change in the ingredient materials.

4.2.2 Packaged Lot: An indefinite number of 55 gallon drums or other unit containers of identical size and type, offered for acceptance and filled with a homogenous blend of gasoline of one grade, one class, and one lead level (leaded or unleaded), from a single, isolated container; or filled with a homogenous blend of gasoline of one grade, one class and one lead level (leaded or unleaded) from a single, isolated container; or filled with a homogenous blend of gasoline of one grade, one class, and one lead level (leaded or unleaded), manufactured in a single plant run (not exceeding 24 hrs) through the same processing equipment, with no change in the ingred-

ient materials.

4.3 Sampling:

4.3.1 Sampling for inspection of filled containers: Take a random sample of filled containers from each lot in accordance with MIL-STD-105, at Inspection Level II, and acceptable quality level (AQL) = 2.5% defective.

4.3.2 Sampling for Tests: Take samples for test in accordance with ASTM-D-270.

4.4 Inspection: Perform inspection in accordance with method 9601 of Federal Test Method Standard No. 791.

4.4.1 Examination of filled containers: Examine samples taken in accordance with 4.3.3, for compliance with MIL-STD-290, with regard to fill, closure, sealing, leakage, packaging and marking requirements. Reject any container having one or more defects or under the required fill. Reject the lot represented by a sample if the number of defective or underfilled containers exceeds the acceptance number for the appropriate sampling plan of MIL-STD-105.

4.5 Classification of Tests: All tests are quality conformance tests.

4.6 Test Method: Perform tests in accordance with Table V.

TABLE V - TEST METHODS

Test	ASTM Method Number
Distillation	D 86
Vapor Liquid Ratio (vL) 1/	D 2533
Reid Vapor Pressure	D 323/D 2551 2/
Existent Gum/Unwashed Gum	D 381
Sulfur	D 1266/D 2622 3/
Phosphorous	D 3231
Lead Content:	
Leaded gasoline	D 2547/D 2599
Unleaded gasoline	D 3116/D 3237 4/ or D 3229
Manganese 5/	
Corrosiveness	D 130
Oxidation Stability	D 525
Water and Sediment	D 2709
Hydrocarbon types (aromatics)	D 1319
Benzene Content	D 3606
Knock Characteristics Research Oct Meth	D 2699
Knock Characteristics Motor Octane Meth	D 2700
Knock Characteristics Research/Mtr Octane Method Using On-Line Analyzers	D 2885

1/ As an alternative, the temperature at a vapor-liquid ratio of 20:1 may be calculated by the following equation:

$$T_{vL @ 20} = 52.47 - 0.33 (RVP) + 0.17 TH50Y$$

Where: $T_{vL @ 20}$ = the temperature at a v/l ratio = 20:1
RVP = the Reid Vapor Pressure in KPA

T-10 = the distillation temperature (deg c) @ 10% evaporation.

T-50 = the distillation temperature (deg c) @ 50% evaporation.

However, ASTM D 2533 shall be the referee v/L method when calculated values are questionable.

- 2/ ASTM D 2551, Vapor Pressure of Petroleum Products (micro-method) may be used as an alternative method for determining vapor pressure.
- 3/ ASTM D 2622, Sulfur in Petroleum Products (X-Ray Spectrographic method), may be used as an alternative method for determining sulfur content.
- 4/ ASTM D 3237, Lead in Gasoline by Atomic Absorption Spectrometry is designated as the referee method, other methods may be used as alternates. D 3237 is the method the Environmental Protection Agency (EPA) has designated for unleaded gasolines.
- 5/ Manganese will be determined by the method given in the EPA MSAPC Advisory Circular A/C No. 26-B, p.4, or other equivalent method.

5. PREPARATION FOR DELIVERY:

5.1 Packaging, Packing and Marking: Unless otherwise specified specified in the contract (see 6.2), packaging, packing and marking shall be in accordance with MIL-STD-290.

6. NOTES:

6.1 Intended Use: Gasoline furnished under this specification is intended for immediate use in spark-ignition internal combustion engines utilized in automotive, marine and stationary type equipment. The gasolines are not intended for static storage for extended periods. They should not be stored in standby equipment for more than 60 days without replenishment because of auto-oxidation which can result in deterioration of the overall quality of gasoline.

6.1.1 Special Grade Gasoline: Is intended for use in 1971 or later, commercial and administrative vehicles equipped with the lower compression ratio spark ignition engines designed to operate on a reduced anti-knock quality gasoline. This grade may be used in many earlier model vehicles equipped with lower compression engines described above or which have been modified to accommodate this grade.

6.1.2 Regular Grade Gasoline: Is intended for use in spark ignition engines designed to operate with a gasoline of this anti-knock quality and/or when so required by equipment manufacturers recommendations (see 1.2.1). This grade may be required in 1971 or later model vehicles that have anti-knock requirements which exceed that of special grade.

6.1.3 Premium Grade Gasoline: Is intended for use in spark ignition engines designed to operate with a gasoline of this anti-knock quality and/or when so required by the equipment manufacturers recommendations (see 1.2.1). This grade may be required in 1971 or later model vehicles that have anti-knock requirements which exceeds those of special grade.

6.1.4 Diesel Fuel: Is intended for use in various types of motor vehicles for on and off road use.

6.2 Ordering Data: Purchasers should select the preferred options permitted herein and include the following information in procurement documents:

- (a) Title, Number and Date of this Specification.
- (b) Grade and Class or Gasoline Required.
- (c) Lead Level Required.
- (d) Quantity of Gasoline Required. The unit of purchase is one U.S. Gallon (3.785 liters) at 60degF(15.6degC).
- (e) Type and Size of Containers Required.
- (f) Level of Packaging and Level of Packing Required.

6.3 Definitions: The designations "special", "regular", and "premium" grades, apply only to gasolines furnished under this specification.

6.3.1 Unleaded gasoline is defined as gasoline which an an addition of lead anti-knock is not permitted. Lead anti-knock present shall not exceed that amount which results from contamination when good refinery and distribution practices are followed and shall not exceed 0.013 grams/liter (0.05 grams/gallon). Additionally, the phosphorous content of unleaded gasoline shall not exceed 0.0013 grams/liter (0.005 grams/gallon).

APPENDIX 2



D4814-04BE1 STANDARD SPECIFICATION FOR AUTOMOTIVE SPARK-IGNITION ENGINE FUEL

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D4814-04BE1 STANDARD SPECIFICATION FOR AUTOMOTIVE SPARK-IGNITION ENGINE FUEL

Developed by Subcommittee: [D02.A0](#)
See [Related Work](#) by this Subcommittee
Adoptions: DOD Adopted; ANSI Approved
Book of Standards Volume: 05.02

1. Scope

1.1 This specification covers the establishment of requirements of automotive fuels for ground vehicles equipped with spark-ignition engines.

1.2 This specification describes various characteristics of automotive fuels for use over a wide range of operating conditions. It provides for a variation of the volatility and water tolerance of automotive fuel in accordance with seasonal climatic changes at the locality where the fuel is used. For the period May 1 through September 15, the maximum vapor pressure limits issued by the U.S. Environmental Protection Agency (EPA) are specified for each geographical area except Alaska and Hawaii. Variation of the antiknock index with seasonal climatic changes and altitude is discussed in Appendix X1. This specification neither necessarily includes all types of fuels that are satisfactory for automotive vehicles, nor necessarily excludes fuels that can perform unsatisfactorily under certain operating conditions or in certain equipment. The significance of each of the properties of this specification is shown in Appendix X1.

1.3 The spark-ignition engine fuels covered in this specification are gasoline and its blends with oxygenates, such as alcohols and ethers. This specification does not apply to fuels that contain an oxygenate as the primary component, such as Fuel Methanol (M85). The concentrations and types of oxygenates are not specifically limited in this specification. However, depending on oxygenate type, as oxygenate content increases above some threshold level, the likelihood for vehicle problems also increases. The composition of both unleaded and leaded fuel is limited by economic, legal, and technical consideration, but their properties, including volatility, are defined by this specification. In addition, the composition of unleaded fuel is subject to the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency (EPA). With regard to fuel properties, including volatility, this specification can be more or less restrictive than the EPA rules, regulations, and waivers. Refer to Appendix X3 for discussions of EPA rules relating to fuel volatility, lead and phosphorous contents, deposit control additive certification, and use of oxygenates in blends with unleaded gasoline. Contact the EPA for the latest versions of the rules and additional requirements.

1.4 This specification does not address the emission characteristics of

reformulated spark-ignition engine fuel. Reformulated spark-ignition engine fuel is required in some areas to lower emissions from automotive vehicles, and its characteristics are described in the research report on reformulated spark-ignition engine fuel. However, in addition to the legal requirements found in this research report, reformulated spark-ignition engine fuel should meet the performance requirements found in this specification.

1.5 This specification represents a description of automotive fuel as of the date of publication. The specification is under continuous review, which can result in revisions based on changes in fuel, automotive requirements, or test methods, or a combination thereof. All users of this specification, therefore, should refer to the latest edition.

Note 1—If there is any doubt as to the latest edition of Specification D 4814, contact ASTM International Headquarters.

1.6 Tests applicable to gasoline are not necessarily applicable to its blends with oxygenates. Consequently, the type of fuel under consideration must first be identified in order to select applicable tests. Test Method D 4815 provides a procedure for determining oxygenate concentration in mass percent. Test Method D 4815 also includes procedures for calculating mass oxygen content and oxygenate concentration in volume percent. Appendix X4 provides a procedure for calculating the mass oxygen content of a fuel using measured oxygenate type, oxygenate concentration in volume percent, and measured density or relative density of the fuel.

1.7 The following applies to all specified limits in this standard: For purposes of determining conformance with these specifications, an observed value or a calculated value shall be rounded "to the nearest unit" in the right-most significant digit used in expressing the specification limit, in accordance with the rounding method of Practice E 29. The use of a trailing decimal point in a limit indicates that the digit preceding the decimal point is a significant digit.

1.8 The values stated in SI units are the standard, except when other units are specified by federal regulation. Values given in parentheses are provided for information only.

Note 2—Many of the values shown in Table 1 were originally developed using U.S. customary units and were subsequently soft-converted to SI values. As a result, conversion of the SI values will sometimes differ slightly from the U.S. customary values shown because of round-off. In some cases, federal regulations specify non-SI units.

1.9 The following safety hazard caveat pertains only to the test method portion, Annex A1, of this specification. *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Referenced Documents

- [D86](#) Test Method for Distillation of Petroleum Products at Atmospheric Pressure
- [D130](#) Test Method for Corrosiveness to Copper from Petroleum Products by the Copper Strip Test
- [D287](#) Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method)
- [D381](#) Test Method for Gum Content in Fuels by Jet Evaporation
- [D525](#) Test Method for Oxidation Stability of Gasoline (Induction Period Method)
- [D1266](#) Test Method for Sulfur in Petroleum Products (Lamp Method)
- [D1298](#) Test Method for Density, Relative Density (Specific Gravity), or API Gravity of

Crude Petroleum and Liquid Petroleum Products by Hydrometer Method
[D2533](#) Test Method for Vapor-Liquid Ratio of Spark-Ignition Engine Fuels
[D2622](#) Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry
[D2699](#) Test Method for Research Octane Number of Spark-Ignition Engine Fuel
[D2700](#) Test Method for Motor Octane Number of Spark-Ignition Engine Fuel
[D2885](#) Test Method for Determination of Octane Number of Spark-Ignition Engine Fuels by On-Line Direct Comparison Technique
[D3120](#) Test Method for Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry
[D3231](#) Test Method for Phosphorus in Gasoline
[D3237](#) Test Method for Lead in Gasoline by Atomic Absorption Spectrometry
[D3341](#) Test Method for Lead in Gasoline-Iodine Monochloride Method
[D4052](#) Test Method for Density and Relative Density of Liquids by Digital Density Meter
[D4815](#) Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C to C Alcohols in Gasoline by Gas Chromatography
[D4953](#) Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)
[D5059](#) Test Methods for Lead in Gasoline by X-Ray Spectroscopy
[D5188](#) Test Method for Vapor-Liquid Ratio Temperature Determination of Fuels (Evacuated Chamber Method)
[D5190](#) Test Method for Vapor Pressure of Petroleum Products (Automatic Method)
[D5191](#) Test Method for Vapor Pressure of Petroleum Products (Mini Method)
[D5453](#) Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels, and Oils by Ultraviolet Fluorescence
[D5482](#) Test Method for Vapor Pressure of Petroleum Products (Mini Method-Atmospheric)
[D5500](#) Test Method for Vehicle Evaluation of Unleaded Automotive Spark-Ignition Engine Fuel for Intake Valve Deposit Formation
[D5598](#) Test Method for Evaluating Unleaded Automotive Spark-Ignition Engine Fuel for Electronic Port Fuel Injector Fouling
[D5599](#) Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection
[D5845](#) Test Method for Determination of MTBE, ETBE, TAME, DIPE, Methanol, Ethanol, and -Butanol in Gasoline by Infrared Spectroscopy
[D6422](#) Test Method for Water Tolerance (Phase Separation) of Gasoline-Alcohol Blends
[D6469](#) Guide for Microbial Contamination in Fuels and Fuel Systems
[E29](#) Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications
D439 Specification for Automotive Gasoline
CFR 40 Code of Federal Regulations
CCR Title 17, 60100-60114 California Code of Regulations

Index Terms

alcohol; antiknock index; automotive fuel; automotive gasoline; automotive spark-ignition engine fuel; copper strip corrosion; corrosion; distillation; driveability; Driveability Index; EPA regulations; ethanol; ether; fuel; gasoline; gasoline-alcohol blend; gasoline-ethanol blend; gasoline-ether blend; gasoline-oxygenate blend; induction period; lead; leaded fuel; methanol; MTBE; octane number; octane requirement; oxidation stability; oxygenate; oxygenate detection; phase separation; phosphorous; solvent-washed gum; sulfur; TV/L = 20; unleaded fuel; vapor-liquid ratio; vapor lock; vapor pressure; volatility; water tolerance; 75.160.20

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APPENDIX 3

**NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION
NEW JERSEY ADMINISTRATIVE CODE
TITLE 7, CHAPTER 27
SUBCHAPTER 25
CONTROL AND PROHIBITION OF AIR POLLUTION BY VEHICULAR FUELS**

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION
NEW JERSEY ADMINISTRATIVE CODE
TITLE 7, CHAPTER 27
SUBCHAPTER 25
CONTROL AND PROHIBITION OF AIR POLLUTION BY VEHICULAR FUELS
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Please note: The Department has made every effort to ensure that this text is identical to the official, legally effective version of this rule, set forth in the New Jersey Register. However, should there be any discrepancies between this text and the official version of the rule, the official version will prevail.

Regulatory History

FILED: January 27, 1989

EFFECTIVE: February 21, 1989

SEE: 20 N.J.R. 1631(a), 21 N.J.R. 483(a)

REVISION EFFECTIVE: September 3, 1991

REVISION OPERATIVE: November 2, 1991

SEE: 23 N.J.R. 45(b), 23 N.J.R. 2656(a)

REVISION EFFECTIVE: March 1992

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SEE: 23 N.J.R. 1858(b), 24 N.J.R. 792(a)

REVISION EFFECTIVE: October 5, 1992

REVISION OPERATIVE: November 1, 1992

SEE: 24 N.J.R. 2386(a), 24 N.J.R. 3539(a)

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REVISION OPERATIVE: March 14, 1994

SEE: 25 N.J.R. 4039(a), 26 N.J.R. 1148(a)

REVISION EFFECTIVE: June 20, 1994

REVISION OPERATIVE: July 26, 1994

SEE: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a)

REVISION EFFECTIVE: September 19, 1994

REVISION OPERATIVE: October 24, 1994

SEE: 26 N.J.R. 1048(a), 26 N.J.R. 3835(a)

REVISION EFFECTIVE: February 8, 1995

REVISION OPERATIVE: February 8, 1995

SEE: 27 N.J.R. 787(a)

REVISION EFFECTIVE: April 7, 1995

REVISION OPERATIVE: June 5, 1995

SEE: 27 N.J.R. 1479(a), 27 N.J.R. 1794(b)

REVISION EFFECTIVE: October 27, 1995

REVISION OPERATIVE: October 27, 1995

SEE: 27 N.J.R. 4731(a), 28 N.J.R. 851(b)

REVISION EFFECTIVE: August 17, 1998

REVISION OPERATIVE: September 9, 1999

SEE: 30 N.J.R. 3025(b), 31 N.J.R. 3087(b)

CORRECTION FILED: February 4, 1999

CORRECTION EFFECTIVE: March 1, 1999

7:27-25.1 Definitions

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise:

"ASTM" means the American Society for Testing and Materials.

"Blender" means any person who carries out a blending process.

"Blending process" means the combination of physical and chemical operations in which components including, but not limited to, gasoline, gasoline blendstocks, and other chemical components are combined to create a finished gasoline or gasoline blendstock.

"Carbon monoxide (CO)" means a gas having a molecular composition of one carbon atom and one oxygen atom.

"Control area" means a geographic area within which gasoline to be used, sold, or dispensed as vehicular fuel in New Jersey is subject to the applicable standards set forth at N.J.A.C. 7:27-25.3 during the specified control period.

"Control period" means the applicable period each year during which gasoline within a control area is subject to the RVP standards set forth at N.J.A.C. 7:27-25.3.

"Crude oil" means a petroleum liquid removed from the earth and not previously used including, but not limited to, partially refined oil.

"Department" means the New Jersey Department of Environmental Protection.

"Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery or importer's facility and any retail outlet or wholesale purchaser-consumer's facility.

"EPA" means the United States Environmental Protection Agency.

"Facility" means the combination of all structures, buildings, equipment, storage tanks, source operations and other operations located on one or more contiguous or adjacent properties owned or operated by the same person.

"Gasoline" means any petroleum distillate or petroleum distillate/oxygenate blend having a Reid vapor pressure of four pounds per square inch (207 millimeters of mercury) absolute or greater, and commonly or commercially known or sold as gasoline.

"Importer" means a person who imports gasoline from a foreign country into the United States.

"Motor vehicle" means all vehicles propelled by an internal combustion engine, excepting motorized bicycles and such vehicles as run only upon rails or tracks.

"Nonconforming gasoline" means any gasoline with an RVP content that does not satisfy the standards set forth in N.J.A.C. 7:27-25.3 during the applicable control period.

"Person" means any individual or entity and includes, without limitation, corporations, companies, associations, societies, firms, partnerships and joint stock companies, as well as individuals, and shall also include all political subdivisions of the State or any agencies or instrumentalities thereof.

"Petroleum distillate" means any mixture of volatile organic compounds produced by a refining process including, but not limited to, naphthas, aviation gasoline, motor vehicle gasoline, kerosene, diesel oil, domestic fuel oil, and petroleum products.

"Product development" means investigations directed toward the establishment of methods of manufacture or of specific designs of salable substances, devices, or procedures, based on previously discovered facts, scientific principles or substances.

"Refiner" means any person who owns, leases, operates, controls, or supervises a refinery.

"Refinery" means a facility which carries out refining processes.

"Refining process" means the combination of physical and chemical operations including, but not limited to, distillation, cracking, and reformulation, performed on crude oil in order to produce petroleum products, including gasoline.

"Reid vapor pressure" (RVP) means the absolute vapor pressure of a petroleum product in pounds per square inch (or kilopascals) at 100 degrees Fahrenheit (37.8 degrees Celsius).

"Research" means investigation directed toward the discovery of facts, scientific principles, reactions, or substances.

"Retail outlet" means any establishment at which gasoline is provided, sold, or offered for sale directly for use in motor vehicles.

"Retailer" means any person who owns, leases, operates, controls, or supervises a retail outlet.

"RVP control area" means the entire geographic area within the State of New Jersey.

"RVP control period" means the period from May 1 through and including September 15 of each year during which the RVP standard set forth at N.J.A.C. 7:27-25.3 is applicable to gasoline to be used in New Jersey as vehicular fuel.

"Standard conditions" means 70 degrees Fahrenheit (21.1 degrees Celsius) and one atmosphere pressure (14.7 pounds per square inch absolute or 760.0 millimeters of mercury).

"State" means the State of New Jersey.

"Trial use" means use of a product in an experiment or series of experiments by the manufacturer or importer of that product.

"Vapor" means the gaseous form of substances which, under standard conditions, is in the solid or liquid state and which can be changed to these states by either increasing the pressure or decreasing the temperature.

"Vapor pressure" means the pressure of the vapor phase of a substance, or the sum of the partial pressures of the vapor phases of individual substances in a mixture of substances, when in equilibrium with the non-vapor phase of the substance or substances.

"Volatile organic compound" or "VOC" means any compound of carbon (other than carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides, and ammonium carbonate) which participates in atmospheric photochemical reactions. For the purpose of determining compliance with emission limits or content standards, VOC shall be measured by test methods in the approved SIP (such as N.J.A.C. 7:27B-3) or 40 CFR Part 60, Appendix A, as applicable, or which have been approved in writing by the Department and are acceptable to EPA. This term excludes those compounds which EPA has excluded from its definition of VOC in the list set forth at 40 CFR 51.100(s), which is incorporated by reference herein, together with all amendments and supplements. As of April 9, 1998, the compounds and classes of perfluorocarbons excluded from EPA's definition of VOC at 40 CFR 51.100(s)(1) are set forth below:

methane

ethane

methylene chloride (dichloromethane)

1,1,1-trichloroethane (methyl chloroform)

1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)

trichlorofluoromethane (CFC-11)

dichlorodifluoromethane (CFC-12)

chlorodifluoromethane (HCFC-22)

trifluoromethane (HFC-23)

1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)

chloropentafluoroethane (CFC-115)

2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)

1,1,1,2-tetrafluoroethane (HFC-134a)

1,1,1,2-tetrafluoroethane (HFC-134a)

1,1-dichloro-1-fluoroethane (HCFC-141b)

1-chloro-1,1-difluoroethane (HCFC-142b)

2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)

pentafluoroethane (HFC-125)

1,1,2,2-tetrafluoroethane (HFC-134)

1,1,1-trifluoroethane (HFC-143a)

1,1-difluoroethane (HFC-152a)

parachlorobenzotrifluoride (PCBTF)

cyclic, branched, or linear completely methylated siloxanes

acetone

perchloroethylene (tetrachloroethylene)

3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)

1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)

1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)

difluoromethane (HFC-32)

ethylfluoride (HFC-161)

1,1,1,3,3,3-hexafluoropropane (HFC-236fa)

1,1,2,2,3-pentafluoropropane (HFC-245ca)

1,1,2,3,3-pentafluoropropane (HFC-245ea)

1,1,1,2,3-pentafluoropropane (HFC-245eb)

1,1,1,3,3-pentafluoropropane (HFC-245fa)

1,1,1,2,3,3-hexafluoropropane (HFC-236ea)

1,1,1,3,3-pentafluorobutane (HFC-365mfc)

chlorofluoromethane (HCFC-31)

1-chloro-1-fluoroethane (HCFC-151a)

1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)

1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃)

2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃)

1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅)

2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅)

methyl acetate

perfluorocarbons compounds which fall into these classes:

cyclic, branched, or linear, completely fluorinated alkanes

cyclic, branched, or linear, completely fluorinated ethers with no unsaturations

cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations

sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

If there is any conflict between the list at 40 CFR 51.100(s)(1) and the list set forth above, the list at 40 CFR 51.100(s)(1) shall control.

"Wholesale purchaser-consumer" means any person who is an ultimate consumer of gasoline, purchases or obtains gasoline from a supplier for use in motor vehicles, and receives delivery of the gasoline into a storage tank which has a maximum capacity of at least 550 gallons and is substantially under the control of that person.

7:27-25.2 Scope and applicability

(a) This subchapter prescribes the rules of the Department for the control and prohibition of air pollution by vehicular fuels. This subchapter governs the standards for fuels used as motor vehicle fuels and provided for use as motor vehicle fuels in the State and the methods to be followed by refiners, importers, blenders, distributors, wholesale purchaser-consumers and retailers to assure these standards are met.

(b) Any refiner, importer, blender, distributor, wholesale purchaser-consumer or retailer of gasoline for use as motor vehicle fuel in the State is subject to the provisions of this subchapter.

7:27-25.3 General provisions

(a) Except as provided for use in (b) and (h) below, no refiner, importer, blender, distributor, wholesale purchaser-consumer, or retailer shall provide, store, offer for sale, sell, transport, import, or exchange in trade for use in New Jersey during the RVP control period each year, starting in 1989, gasoline having a RVP greater than 9.0 pounds per square inch.

(b) The following compliance schedule shall be in effect in 1989 only; after 1989, the compliance schedule set out in (a) above shall be in effect:

1. No refiner or importer shall provide, store, offer for sale, sell, transport, import or exchange in trade for use in New Jersey during the period May 1 through September 15, 1989, gasoline having a Reid vapor pressure greater than 9.0 pounds per square inch.

2. No blender or distributor shall provide, store, offer for sale, sell, transport, import or exchange in trade for use in New Jersey during the period June 1 through September 15 of 1989, gasoline having a Reid vapor pressure greater than 9.0 pounds per square inch.

3. No wholesale purchaser-consumer or retailer shall provide, store, offer for sale, sell, transport, import or exchange in trade for use in New Jersey during the period July 1 through September 15 of 1989, gasoline having a Reid vapor pressure greater than 9.0 pounds per square inch.

(c) Wholesale purchaser-consumers and retailers shall be exempt from the RVP standard established in (a) above during the month of May.

7:27-25.4 Recordkeeping and compliance determinations

(a) Each refiner, importer, blender or distributor shall:

1. During any applicable control period established pursuant to N.J.A.C. 7:27-25.3, test all gasoline prior to its release from a refinery, import facility, blending facility or distribution facility for use in a control area within the State to determine its RVP, and for each test prepare a test report which documents the RVP of the gasoline;

2. Certify to the distributor, retailer or wholesale purchaser-consumer to whom gasoline is delivered that the gasoline has been tested in accordance with this section; that, during the RVP control period, the gasoline has an RVP of 9.0 pounds per square inch or less; and that the gasoline is in compliance with all applicable State and Federal regulations, by providing:

i. A copy of the test report prepared pursuant to (a)1 above with the certification contained therein; or

ii. The certification in writing on the invoice, bill of lading, or other transfer document; and

3. Maintain records on all gasoline leaving the refinery, import facility, blending facility, or distribution facility, which document the RVP of the gasoline; shipment quantity; shipment date; and other such information as the Department may prescribe. Documentation may include, but is not limited to, bills of lading, invoice delivery tickets, and loading tickets.

(b) Each retailer or wholesale purchaser-consumer shall maintain records on each delivery of gasoline, including the RVP of the gasoline; delivery quantity; date of delivery; and other such information as the Department may require. Documentation may include, but is not limited to, bills

of lading and other transfer documents, invoice delivery tickets and loading tickets, and invoices and test reports certified pursuant to (a)2 above.

(c) Any sampling of gasoline required pursuant to the provisions of this subchapter for determining the RVP of gasoline shall be conducted in accordance with the following methods:

1. For manual sampling: ASTM D4057; or
2. For continuous sampling and nozzle sampling: California Administrative Code Title 14, R.2261(R)(3) and (k)(4)(1987).

(d) All testing for RVP required pursuant to the provisions of this subchapter shall be conducted using one of the following methods:

1. "Method 1 - Dry RVP Measurement Method" promulgated at 40 CFR 80, Appendix E;
2. "Method 2 - Herzog Semi-Automatic Method" promulgated at 40 CFR 80, Appendix E;
3. "Method 3 - Grabner Method" promulgated at 40 CFR 80, Appendix E; or
4. Any other equivalent test method approved in advance in writing by the Department and EPA.

(e) All records and documentation required to be made or maintained in accordance with this section, including any calculations performed, shall be maintained by each refiner, importer, blender, distributor, retailer, and wholesale purchaser-consumer, as applicable, for not less than three years from the date the record is made. Records made within the past year (the previous 12 months) shall, upon request of the Department or its authorized representatives, be immediately available for review. Records made in previous years shall, upon the request of the Department or its authorized representatives, be available for review within five business days.

7:27-25.5 Inspections

(a) The Department and its representatives shall have the right to enter and inspect any site, building or equipment, or any portion thereof, at any time, in order to ascertain compliance or non-compliance with the Air Pollution Control Act, N.J.S.A. 26:2C, this chapter, any permit, any exemption, or any order or agreement issued or entered into pursuant thereto. Such right shall include, but not be limited to the right to test or sample any materials at the facility, to sketch or photograph any portion of the site, building or equipment, to copy or photograph any document or records necessary to determine such compliance or non-compliance, and to interview any employees or representatives of the owner, operator or registrant. Such right shall be absolute and shall not be conditioned upon any action by the Department, except the presentation of appropriate credentials as requested and compliance with appropriate standard safety procedures.

(b) Owners or operators, and any employees or representatives thereof, shall assist and shall not hinder or delay the Department and its representatives in the performance of all aspects of any inspection. Such assistance shall include making available sampling equipment necessary to conduct sampling at the facility and providing sampling facilities for the Department to determine the nature and quantity of gasoline being provided, stored, transported, exchanged in trade, sold, or offered for sale at that refinery, import facility, blending facility, retail, wholesale purchaser-consumer or distribution outlet. During such testing by the Department, the equipment and all

components connected, attached to, or serving the equipment shall be used and operated under normal routine operating conditions or under such other conditions as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

7:27-25.6 Petition for rulemaking in the case of imminent supply shortage

If at any time a refiner, importer, blender, distributor, wholesale purchaser-consumer or retailer comes to the conclusion that the requirement of supplying 9.0 psi RVP gasoline during the control period May 1 through September 15 will cause an imminent shortage of gasoline such that supply cannot meet demand, such party shall file a petition for rulemaking with the Department pursuant to N.J.S.A. 52:14B-4(f) and N.J.A.C. 17:30-3.6, requesting that the Department modify the 9.0 psi RVP standard such that a shortage in gasoline supply will be averted. This petition may request that the Department pursue emergency rulemaking pursuant to N.J.S.A. 54:14B-4.4 and N.J.A.C. 17:30-4.5.

7:27-25.7 Exemptions

(a) The Department may, at its discretion, issue an exemption allowing any person to store, transfer, or use non-conforming gasoline, provided the gasoline is used solely for the purpose of research, product development, and trial use.

(b) Application for an exemption shall be made on forms obtained from the Department. Any person may request application forms from:

Assistant Director of Air and Environmental Quality Enforcement

Division of Enforcement Field Operations

Department of Environmental Protection

PO Box 422

Trenton, New Jersey 08625-0422

(c) The Department may require an applicant for an exemption to submit such details about the intended use of the non-conforming gasoline as it considers necessary to evaluate the potential effect of such use on public health, welfare and the environment. Such information shall include, but is not limited to:

1. Specification of how the non-conforming gasoline is to be used, and the purpose of this use;
2. Explanation of why the purpose could not be accomplished through use of gasoline whose volatility conforms with the N.J.A.C. 17:27-25.3 standards;
3. For any year, the maximum number of gallons and maximum RVP of non-conforming gasoline:
 - i. To be used from May 1 through September 15; and

ii. To be stored at the facility during the May 1 through September 15 period;

4. A calculation of the maximum potential additional VOC emissions that could occur during the May 1 through September 15 period in any year due to the storage, transfer, and use of non-conforming gasoline; and

5. A facility diagram specifying the tanks in which non-conforming gasoline will be stored.

(d) The Department may require, as a condition of approval of an exemption, the use of control apparatus.

(e) No applicant may commence storing, transferring, and using non-conforming gasoline prior to the issuance by the Department of a written approval of an exemption.

(f) Any exemption issued by the Department pursuant to this section shall be valid for a period of no longer than three years from the date of approval.

(g) Any person holding an exemption issued by the Department pursuant to this section shall make said exemption readily available for inspection on the operating premises.

(h) Any person to whom the Department has issued an exemption pursuant to this section shall:

1. Record each day between May 1 and September 15 the quantity, in gallons, of non-conforming gasoline which is:

i. Stored at the facility; and

ii. Consumed that day in research, product development, or trial use;

2. Maintain the records kept pursuant to (h)1 above at the facility for a period no less than three years;

3. Make the records kept pursuant to (h)1 above available, upon request, for review by the Department; and

4. Upon the request of the Department, submit to the Department all or any part of the information contained in the records kept pursuant to (h)1 above.

(i) The Department shall deny an application for an exemption if:

1. The Department determines that such storage, transfer, or use of gasoline may result in the presence in the outdoor atmosphere of any air contaminant in such quantity and duration which is or tends to be injurious to human health or welfare, animal or plant life or property, or may unreasonably interfere with the enjoyment of life or property. This does not include an air contaminant which occurs only in areas over which the person has exclusive use or occupancy;

2. The applicant fails to demonstrate, to the satisfaction of the Department, that the proposed storage, transfer, and use of non-conforming gasoline are essential to the intended research, development, or trial use set forth in the application.

(j) The Department may deny an application for an exemption if the applicant fails to provide all information requested by the Department within 30 days after the request is received by the applicant, or within a longer period if such a response period is approved in writing by the Department.

(k) The Department may revoke any approval of any exemption granted pursuant to this section if the Department determines that the person to whom the Department has issued the exemption has:

1. Stored, transferred, or used non-conforming gasoline for any purpose other than that described in the application for an exemption and approved by the Department;
2. Failed to allow lawful entry by authorized representatives of the Department to the facility for which the exemption is issued;
3. Failed to pay any penalty assessed pursuant to a final order issued by the Department; or
4. Failed to pay any outstanding service fees, charged in accordance with the schedules contained in N.J.A.C. 7:27-25.8 within 60 days after receipt of a fee invoice.

(l) If the Department seeks to revoke an exemption during the term of that exemption, the Department shall provide the opportunity to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

7:27-25.8 Owner and operator responsibility

The owner and operator of any facility subject to this subchapter shall be responsible for ensuring compliance with all requirements of this subchapter. Failure to comply with any provision of this subchapter may subject the owner and operator to civil penalties in accordance with N.J.A.C. 7:27A-3 and criminal penalties pursuant to N.J.S.A. 26:2C-19(f)1 and 2. If there is more than one owner or operator of a facility, all owners and operators are jointly and severally liable for such civil and criminal penalties.

7:27-25.9 Service fees

(a) Any person who applies for an exemption pursuant to N.J.A.C. 7:27-25.7 shall submit with the application, as an integral part thereof, a non-refundable service fee of \$500.00.

(b) Any person to whom the Department has issued an exemption pursuant to N.J.A.C. 7:27-25.7 shall remit to the Department within 60 days after receipt of an invoice, an annual compliance inspection fee of \$500.00 for each year that the exemption remains in effect.

7:27-25.10 (Reserved)

7:27-25.11 (Reserved)

APPENDIX 4

Highway Agency Stormwater General Permit (NJ0141887)

Attachment D

REQUIRED PRACTICES FOR FUELING OPERATIONS, VEHICLE MAINTENANCE, AND GOOD HOUSEKEEPING SBRs

A. The following BMPs must be implemented at maintenance yards, including maintenance activities at Service Areas and ancillary operations (for example, impound yards, solid waste transfer stations, mobile fueling), where applicable, that are operated by the Highway Agency:

1. Inventory Requirements for Maintenance Yard Operations (including Service Areas, and Ancillary Operations)

- a. Highway Agencies shall include for maintenance yard operations an inventory that includes the following:
 - i. A list to be made part of the SPPP of general categories of all materials or machinery located at the maintenance yard, which could be a source of pollutants in a stormwater discharge. The materials in question include, but are not limited to: raw materials; intermediate products; final products; waste materials; by-products; machinery and fuels; and lubricants, solvents, and detergents that are related to the maintenance yard operations or ancillary operations. Materials or machinery that are not exposed to stormwater or that are not located at the maintenance yard or related to its operations do not need to be included.

2. Fueling

- a. No topping off vehicles, mobile fuel tanks, and storage tanks. Drip pans must be used under all hose and pipe connections and other leak-prone areas during bulk transfer of fuels.
- b. During bulk transfer block storm sewer inlets, or contain tank with temporary berms or temporary absorbent booms during the transfer process. If temporary berms are being used instead of blocking the storm sewer inlets, all hose connection points associated with the transfer of fuel must be within the temporary berms during the loading/unloading of bulk fuels. A trained employee must always be present to supervise during bulk fuel transfer.
- c. Clearly post, in a prominent area of the facility, instructions for safe operation of fueling equipment, and appropriate contact information for the person(s) responsible for spill response.
- d. Any equipment, tanks, pumps, piping and fuel dispensing equipment found to be leaking or in disrepair must immediately be repaired or replaced.

3. Vehicle Maintenance

- a. Perform all vehicle and equipment maintenance at an indoor location with a paved floor whenever possible. For projects that must be performed outdoors that last more than one day, portable tents or covers must be

4. General Good Housekeeping

a. Properly mark or label all containers. Labels must be kept clean and visible. All containers must be kept in good condition and tightly closed when not in use. When practical, containers must be stored indoors. If indoor storage is not practical, containers may be stored outside as long as they are covered and placed on spill platforms. An area that is graded and/or bermed that prevents run-through of stormwater may be used in place of spill platforms. Outdoor storage locations must be regularly maintained.

5. Good Housekeeping Practices for Salt and De-icing Material Handling

a. The SPPP for De-icing Material Storage shall include the following required practices to ensure that Maintenance Yard Operations prevent or minimize the exposure of salt and de-icing materials to stormwater runoff from storage, loading and unloading areas and activities:

- i. Prevent and/or minimize the spillage of salt and de-icing materials during loading and unloading activities.
- ii. At the completion of loading and unloading activities, spilled salt and deicing materials shall be removed using dry cleaning methods and either reused or properly discarded.
- iii. Sweeping by hand or mechanical means of storage and loading/unloading areas shall be done on a regular basis. More frequent sweeping is required following loading/unloading activities. Sweeping shall also be conducted immediately following, as practicable, loading/unloading activities.
- iv. Tracking of materials from storage and loading/unloading areas shall be minimized.
- v. Minimize the distance salt and de-icing materials are transported during loading/unloading activities.

b. Interim Seasonal Tarping - All Highway Agencies must tarp all de-icing materials until a permanent structure is built. Interim storage measures must include, but are not limited to the following:

- i. Tarping materials that are not actively being used.
- ii. The storage of de-icing materials (salt and de-icing products) outside is limited to October 15th through April 30th. All salt and de-icing materials must be removed from the site prior to May 1st and may not be stored outside again until October 15th.
- iii. The implementing of a regular inspection, sweeping and housekeeping program to ensure that the material is maintained and stored in a proper manner.

6. Inspections

- a. Inspections of all Municipal Maintenance Yard Operations shall be conducted regularly.
- b. Discharge of Stormwater from Secondary Containment

The discharge pipe/outfall from a secondary containment area must have a valve and the valve must remain closed at all times except as described below. A

Highway Agency may discharge stormwater that accumulated in the secondary containment area if a visual inspection is performed to ensure that the contents of aboveground storage tank have not come in contact with the stormwater to be discharged. Visual inspections are only effective when dealing with materials that can be observed, like petroleum. If the contents of the tank are not visible in stormwater, the Highway Agency must rely on previous tank inspections to determine with some degree of certainty that the tank has not leaked. If the Highway Agency cannot make a determination with reasonable certainty that the stormwater in the secondary containment area is uncontaminated by the contents of the tank, then the stormwater should be hauled for proper disposal.

APPENDIX 5

Fuel Requirement Form

Using Agencies are required to fax a completed Fuel Requirement Form to the Procurement Specialist to notify Purchase Bureau when Additions/Deletions/Revisions to the contract are identified. Please include a cover sheet with a contact person and phone number in case there are questions regarding the completed form

PLEASE FAX TO 609-292-0490

Fuel Requirement Form

(Please type or neatly print)

_____ **T-0077 - Fuel Oil #2 (Heating)**

T-1845 - Fuel --- #1, 2D and Winter Mix

_____ #1/Kerosene_____ **Diesel** #2D-High Sulfur_____ #2D Low Sulfur _____ Winter Mix

_____ **T-0078 - Fuel Oil #4 & 6** _____ # 4 Fuel 0.3% #6 Fuel _____ 0.3% _____ 0.5% _____ 1.0% Sulfur

T-0083 - Gasoline, Unleaded --- Octane _____ 87 _____ 89 _____ 93

_____ **T-0108 - Propane**

ADD _____ **REVISE** _____ **DELETE** _____ **[Attach Explanation for Delete]**

Line Number: _____ (If applicable) Commodity Code: _____ (If applicable)

Type of Fuel: _____

County: _____

Tank Size(s): _____ Above_____/ Below ____ Ground

Estimated Quantity (per year): _____

Organization Number: _____

Deliver To: Name of Facility: _____

Address: _____

Contact: _____

Phone: _____ Fax: _____

Bill To: Name of Facility: _____

Address: _____

Contact: _____

Phone: _____ Fax: _____

Other pertinent info: _____
[Attach additional sheet/s
if necessary] _____